



SEN. NATHAN LIBBY, SENATE CHAIR  
REP. HOLLY STOVER, HOUSE CHAIR

MEMBERS:

SEN. LISA KEIM  
SEN. DONNA BAILEY  
SEN. RICHARD BENNETT  
SEN. SUSAN DESCHAMBAULT  
SEN. JEFFREY TIMBERLAKE  
REP. H. SAWIN MILLETT, JR.  
REP. AMY ARATA  
REP. MARK BLIER  
REP. JESSICA FAY  
REP. MARGARET O'NEIL

MAINE STATE LEGISLATURE  
GOVERNMENT OVERSIGHT COMMITTEE

**MEETING SUMMARY**  
**March 25, 2022**

**Call to Order**

The Chair, Sen. Libby, called the Government Oversight Committee to order at 10:00 a.m.

**ATTENDANCE**

Senators: Sen. Bailey, Sen. Libby, Sen. Deschambault, Sen. Keim, Sen. Timberlake  
Absent: Sen. Bennett

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

Other Legislators: HHS Committee: Sen. Claxton, Sen. Moore, Rep. Madigan, Rep. Lemelin, Rep. Craven, Rep. Javner, Rep. Meyer, Rep. Perry

Legislative Officers and Staff: Matt Kruk, Principal Analyst, OPEGA  
Amy Gagne, Senior Analyst, OPEGA  
Jennifer Henderson, Senior Analyst, OPEGA  
Scott Farwell, Senior Analyst, OPEGA  
Joel Lee, Analyst, OPEGA  
Sabrina Carey, Secretary, OPEGA, GOC Committee Clerk  
Anna Broome, Analyst, OPLA

Others: Todd Landry, Director, OCFS  
Bobbi Johnson, Associate Director OCFS

## Introduction of Committee Members

The members of the Committee introduced themselves. The members of the Health and Human Services Committee introduced themselves. Sen. Libby reminded everyone of the electronic meeting conduct and procedures.

## New Business

- **OPEGA Report Presentation – Child Protective Services Investigations**  
(A copy of the report can be found here: <https://legislature.maine.gov/doc/8493>)

Mr. Kruk presented the Report to the committee.

(A copy of the presentation is available here: <https://legislature.maine.gov/doc/8494>)

### First Question Break:

Rep. Arata asked if in the reunification process, if drug testing is a part of the reunification process?

Mr. Kruk answered that they will be reviewing the reunification process in the next OPEGA report for the CPS review which will focus on reunification and permanency, that is not work that they have engaged in yet. He suggested that Director Landry or Ms. Johnson from OCFS may be able to speak to that.

Sen. Bailey asked if OPEGA was able to look at the SDM tool that is used in the investigations and if there is a way for the GOC get information to evaluate the tool?

Mr. Kruk answered OPEGA looked at the tool itself, noted that the tool is use in other states, that its use here is tailored to Maine's policies procedures and practice. He suggested Director Landry from OCFS would be able to speak more to this

Sen. Bailey then asked about the section of the report that talks about misconceptions. She noted that (on page 12 under misconception number two) it states that CPS cannot act to remove a child into state custody without a court order, even on a temporary basis. She noted that later in the report on page 24, talks about that they can work with law enforcement to do a six-hour hold. She asked for clarification on those statements that seemed to be inconsistent – pointing out they can remove a child on a temporary basis (for a six-hour hold) and is that correct?

Ms. Gagne provided some detail and clarification that there is difference between the two situations in that the child is in the custody of law enforcement for those six hours rather than the custody of the State (.

Sen. Bailey thought that in the eyes of the public or the parent of the child being removed, they may still see that the child is being removed by the state, in the broadest sense of the word.

Sen. Bailey then asked about the mention of the PPO (Preliminary Protection Order), or the initial removal, having a high threshold for removal, because from her understanding is a legal point of view it actually is a low threshold as it is an ex parte basis and it is preponderance of the evidence. She is unsure about the reference to it being a high threshold in the report.

Mr. Kruk responded that that it may have been an errant adjective from the drafting process and that they would look at it. Mr. Kruk noted that they did not speak to any attorneys representing parents for this part of the review, as they believe that will be more connected with the next review on reunification and permanency.

Sen. Bailey asked what the definition is of a safety threat in reference to the findings of “safe”, “safe with a plan” and “unsafe” (page 24)?

Ms. Gagne answered that the definition of a safety threat is that they are indicators of immediate risk of serious harm to the child. She clarified that in Appendix B on page 65 of the report it has that definition and describes the 13 types of safety threats.

Sen. Moore asked who created the structured decision-making (SDM) tool and if it is evidence-based and successful? Is the tool working? Sen. Moore stated that she was also specifically interested the safety assessment tool.

Mr. Farwell answered that they did not look into the SDM tool that deeply, but OCFS may be able to answer that. Mr. Farwell stated that they would be able to get information to for the work session.

Sen. Keim said she thought was focused solely on Kennebec County and asked for clarification.

Mr. Kruk answered that the limitation to Kennebec County was only for the survey's medical providers, school personnel and law enforcement survey respondents. For these groups, they chose one county due to scope of the project and the tight timeframes for the report. He noted that the surveys of OCFS caseworkers and supervisors and everything else in the report was done on a statewide basis.

Sen. Keim then asked where she could find information on the survey methodology and limitation to Kennebec County?

Ms. Gagne answered that it could be found on page 62-63 in Appendix A2.

Sen. Timberlake asked If we have a child that is in distress or caseworker thinks there is a real problem, how long does it actually take to how long it takes for the process to get a court order from the judge? How long on average does it take when they think a child should be removed?

Mr. Kruk answered that he doesn't believe that they have that information. He noted that in the preliminary safety decision, the caseworker is on site and calling their supervisor to work through the preliminary safety decision and determine whether the kid is safe in that environment to stay or whether they need a safety plan, or whether they need to remove the child. Mr. Kruk suggested that the staff at OCFS would have a better answer for that.

Sen. Timberlake stated that he would like to understand how long the whole process takes.

Ms. Gagne added that if there is immediate risk to the child, the law enforcement can initiate that six-hour hold and that gives time for the caseworker to find a judge to present the preliminary protection order (PPO) information to and if this occurs overnight, for example, a caseworker may have to go to a judge's home to present some initial information and to get them to sign the PPO. She noted that if there is immediate risk it may be within a matter of hours.

Sen. Deschambault asked if initial or ongoing investigation if the parent is incarcerated or on probation, can the caseworker to reach out for information and what is that relationship like in relation to criminal activity?

Ms. Gagne answered that part of the initial work before the caseworker goes out in the field is to establish who the critical case members are: the immediate family members involved, the alleged perpetrator, any parents or caretakers, any other children in the home, siblings, and any other immediate and important people. They conduct the run on the sex offender registry and they will do a criminal background check. That is the information that they have gathered before they go out to the home, and any additional information they receive on critical or important family members, they would do that work as the investigation continues.

Sen. Deschambault stated that her question was more about reaching out to the actual probation officer or case manager, who would also want to know if there is an issue about a family and they may have information that could assist DHHS. She is wondering if its standard practice or does someone just take the initiative to call the probation office?

Ms. Gagne answered that they could find that information for you or ask OCFS to answer that.

Rep. Fay asked for clarification on the section that talks about training and whether the supervisor training is being revamped?

Mr. Lee answered that the OCFS work with the Muskie School includes a number of factors. It includes the revamp of the foundations training for new caseworkers; the revamping of policies of OCFS to make them more in line with what caseworkers actually do, which in turn makes training staff on those policies easier; and integrating the continuum of training from the caseworker into training the supervisors more in coaching and the administrative tasks associated with running the investigations alongside their caseworkers and trying to integrate the training programs so they are more cohesive.

Rep. Fay then asked if there was currently training ongoing for supervisors?

Mr. Lee answered that there has been and is training ongoing for supervisors and it is also being modified.

Rep. Meyer stated (in reference to information available to child protective workers) that in the report there is mention of a work group that is meeting regularly with the members of law enforcement, the medical community, and the office of the Attorney General, to look for solutions to the problem of information sharing or lack thereof. She is wondering where the work group is at and if they have identified any of those solutions?

Mr. Kruk answered that isn't something OPEGA has evaluated at this point as it is in its infancy, but OCFS may be able to speak to where the work group is at.

Sen. Claxton had a question about the structured decision-making tool that seemed really important in this process, including the safety assessment tool in particular. He asked what is the sensitivity and specificity of these tools? How did we end up using these tools and assessing their validity? He shared his observation about the pendulum is that if child safety is emphasized, it may deemphasize family preservation and if family preservation is emphasized it may deemphasize safety, so it is all about balance. He clarified that his question was about sensitivity and specificity of the SDM tool and how was the tool assessed when the state signed up to use it?

Mr. Kruk responded that the safety assessment tool is part of the SDM suite and deferred questions to OCFS.

Sen. Bailey asked what was OPEGA's understanding of the primary purpose of an investigation? She noted in the report there is mention of forensic interviewing techniques, essentially building a case, and at the same time they are using motivational interviewing techniques which is doing more social work with the family, and that can potentially be at cross purposes? She noted that there are multiple purposes and wondered how the department deals with the potential cross purposes?

Ms. Gagne answered that the primary purpose for an investigation is to determine whether child abuse and or neglect has occurred. That is the overarching purpose and the potentially competing factors of completing an investigation and also assessing the family from a social work framework is happening at the same time. Ms. Gagne continued that in OPEGA's examination of the policies they did note that the language of those policies has changed over time. The former policy called them assessments and the current policy calls them investigations. Caseworkers are now called investigation caseworkers and they used to be called assessment caseworker.

Sen. Bailey then asked if the staff could speak more about the shift from assessment to investigation and if it is now focused on investigation why is there so much emphasis on assessment tools?

Mr. Kruk answered that there appears to be to be some tension between those two things. He believed that the nomenclature changed from assessment to investigation to reemphasize that they need to be probing and investigating all risks that concern them and deferred to OCFS to speak more to that tension and shift He thought that there are things to be gained from each method, a forensic technique or motivational interviewing. He thought it could be an inherited language from before regarding assessment and it is possible the two things may be well aligned, the SDM assessment tools and investigation approach, but that he can only speak to the change in language that was observed.

Second question break:

Sen. Libby asked if Mr. Kruk could explain what availability, including waitlists, means (in reference to barriers to families accessing services)?

Mr. Kruk answered that is referencing the availability of the services. For instance, a family would benefit from in home behavioral services for a child or parent it isn't available in that geographic area. He indicated availability of insurance coverage was another issue and also waitlists that could be lengthy for existing services.

Sen. Libby asked if those are services being provided not by the state but by the providers?

Mr. Kruk confirmed yes.

Sen. Timberlake noted that it is a consistent theme that no one has the time to do the case work and everyone seems to think the caseloads are too high. He asked what they think the proper case load is for a caseworker?

Mr. Kruk answered that OPEGA did not get into what the amount would be. He believes that child welfare is moving away from caseload as a measurement of work and instead moving toward workload as the work associated with cases can vary and be extensive. He noted that this is addressed later in the report.

Sen. Claxton stated it would help him understand the workload survey if he knew how many people were employed as caseworkers at the time of the survey. (There were 191 caseworkers at time of the survey; see page 62, Table A.1.)

Sen. Claxton asked about the medical providers survey and perspective in terms of communication with mandated reporters, and the response "never able to provide patient records". He asked if we understand the barriers medical providers have in being able to share information?

Mr. Kruk and Ms. Gagne answered that they did not dive deeply into that area of detail about the specific barriers to medical providers sharing information.

Rep. Madigan indicated she was also interested in the question just asked by Sen. Claxton. She then asked if OPEGA looked at workload analysis and what was an appropriate work load per CPS worker?

Mr. Kruk answered that there were many factors to look at around work load including number of people, the number of vacancies, and the number of cases, and OPEGA will come back to this later in the presentation

Sen. Keim noted that many people disagree 35 days is appropriate amount of time for an investigation, but is too short or too long?

Mr. Kruk answered that it was found to be too short of time.

Sen. Keim then asked if it means that they get an initial report, then within 35 days they complete it and decide if the child is safe or unsafe?

Mr. Kruk answered that there is an initial safety decision of safe/unsafe, but that there are other decisions along the way within that 35 days, particularly towards the end. Ms. Gagne specified that at the end of the 35 days they'll have determined whether child abuse or neglect has been substantiated, indicated, or unsubstantiated. The will also will determine whether they need to continue to be involved and whether they are going to open a prevention services case where the child would remain in the home and they would continue services, or whether they would open a reunification case in the case that a child is being removed from the home. So, within the 35 days, they begin with the preliminary decision of whether the child needs to be removed immediately or can they leave the child in the home until they complete the investigation. Then by the end of the investigation, which has many components, they have to decide whether to close the investigation and have no further involvement or whether there will be continued involvement.

Sen. Keim asked for clarification about if it was longer than a 35-day time frame would it be possible the child would be left in an unsafe situation for longer than the 35 days, or are they removing children faster than that anyway.

Ms. Gagne answered that if it was found at any time within those 35 days that the child was in immediate risk, they would be taking the steps immediately towards removal. If they need a preliminary protection order to remove the child at any time during the 35 days, they will do so. They do not have to wait until the end of the 35 days to determine if the child is safe; they just need the full 35 days to determine whether they will continue involvement with the family.

Sen. Deschambault noted that there is a difference between caseload and workload, and asked if DHHS has an assessment tool that DHHS uses to determine if a family has high needs/high risk vs. low need/low risk and use that to then determine how many cases each caseworker can handle? She used her experience with the Department of corrections and probation officers' caseloads as an example and number of cases depending on the level of need

Mr. Kruk answered that DHHS has a workload analytic tool that produces a report for the Legislature in January each year that is built upon previous time studies of how much time actually went into the work to get an approximation of how many staff they would need. He noted that is different than what Sen. Deschambault described doing at the front end. He said, when they are screened in, they can put time either log them as a 24-hour response needed or a 72-hour response needed. OCFS may be able to elaborate on if they have other ways of determining how cases are assigned and how many cases each caseworker should have.

Sen. Deschambault noted that it is difficult to balance the workload because of the variation in need of cases and who needs more attention and usually a tool determines that and helps in liability issues.

Final Question Break:

Sen. Bailey asked if the 35-day period, and the add-on reports having to be done in that time frame, is that is policy driven or is it required somewhere?

Ms. Gagne answered that she believes it is internal policy driven but would want to check with OCFS to verify that.

Mr. Kruk added that he attended a Collaborative Safety, safety science meetings and there was discussion of the timeframe in how OCFS arrived at the 35-day time frame and noted that in other states, some are 60 or 45 days.

Sen. Bailey then asked if the QA review results are shared with the Ombudsman's office?

Mr. Kruk answered that he does not know if they are shared with the Ombudsman's office. He stated that there are two levels; there are QA review results – results, meaning overall numbers – and these are updated and publicly available. What OPEGA looked at in the deeper dive in looking at the narrative descriptions documented by the QA reviewers for individual cases of what was going on, what was expected and what the caseworkers did or did not do.

Sen. Bailey confirmed that she was interested in whether the Ombudsman sees the individual results.

Sen. Bailey then asked if overall, did OPEGA see any variations amongst the OCFS regional districts in all areas of the investigative process? She noted that there is a perception there is variation she has heard, for example in how quickly children are moved and asked if we say any information or data on differences between districts?

Mr. Kruk answered that for the QA review analysis they had a limited sample; they started with 200 and then down to 109 for cases that actually included the investigation. They did not perform any analysis at a district level due to the small sample. He noted that information about removals should be available on the OCFS dashboard by district (available on OCFS website), so that is probably a good resource to identify whether there are discrepancies.

Rep. Blier asked how many caseworkers and supervisors does OCFS currently have.

Mr. Kruk answered that they have 150 investigations caseworkers and 33 investigations supervisors.

Rep. Blier then asked about how many vacancies are maintained throughout the year.

Ms. Gagne noted that OCFS reports that as of January 14, 2022, the vacancy rate among the investigation caseworkers was 13.3%. That is 20 vacancies out of the 150 positions. There is no listed supervisor vacancy rate, so it is believed that they are at full capacity.

Rep. Blier then asked if OCFS I shaving difficulty filling those vacancies, will there be difficulty filling the newly allotted 16 positions that are being added in the supplemental budget?

Mr. Kruk answered that he would need to have OCFS speak to that.

Sen. Claxton stated that the annual caseload report from OCFS in the last two years January of 2021 and January of 2022 showed that they need 33 more caseworkers needed in each year. He thought it addition of 16 would help retain those that are here. He thought maybe we need to shoot for 40 new caseworkers so that there is more coverage when someone needs to be out on leave and OCFS needs other caseworkers to cover their work. He stated that he hopes OCFS staff feels appreciated for their efforts as it is an impressive amount of work.

Rep. Stover highlighted the issues around the amount of time caseworkers and supervisors need to assess risk and needs and noted it as a theme that comes up over and over again. With two thirds of the caseworkers stating they feel they don't have enough time to complete their work do what is expected and understand the risks, that is noteworthy.

Sen Timberlake stated that he looks forward to working with everyone to help address some of the alarming things in the report.

#### Questions for OCFS:

Sen. Libby moved Director Landry and Bobbi Johnson and Molly Bogart into the meeting for questions to be geared towards OCFS.

Rep. Blier asked if Director Landry agreed with the idea brought up by Sen. Claxton that they should be looking for even more positions to add on top of the 16 new positions that are being added?

Director Landry answered that the budget initiative that the governor has put forward includes 16 caseworkers specifically for those after hours and standby positions. Director Landry confirmed that it is something they have heard significantly over the past two years from caseworkers is the challenge of balancing their responsibilities for those after-hours duties and their ongoing duties and the impact that can have on their work-life balance. He believes that the additional positions are going to open up the opportunity potentially for some previous employees who may have left to return and fill those roles, as that opportunity may work better for their own personal and family situation. He believes these extra positions will help retain remaining staff who are currently having to work those non-traditional hours. He noted that although the vacancy rate is higher than they would like it to be, it is lower than many other states.

Sen. Moore asked where the Structured Decision-Making tool and specifically the Safety Assessment Tool came from and whether it was evidence-based?

Director Landry answered that the SDM does have a strong research and evidence base behind it. He added that SDM is very much used in other states and they share information with those states to develop and enhance the tool. Safety assessment is one of the components of the SDM tool. He offered to provide some flow charts and some explanations of the tool to the committee.

Associate Director, Bobbi Johnson noted that she has been directly involved with the process of implementing the structured decision-making suite of tools. She added that there are six different tools that help guide the decisions, starting with intake and moving all the way through to case closure. The tools have the labels of safety assessment, which was adapted from Evident Change, which is the organization that collaborated with OCFS in developing the Maine-specific tools. There are research and evidence based. As part of the development of the tools, there was a work group that looked at and adapted the framework of the tools to be Maine-specific based on our statute, policies, and procedures. Throughout the development phase, they tested the tools to look at the reliability, the validity, and the specificity of the tools. The tools are assessed for fidelity through the quality assurance process on an ongoing basis; they are looked at as part of the case reviews on a regular basis and there are specific reviews conducted on the use of the tools.

Sen. Bailey asked about the requirement that any add-on reports be completed within the 35-day time period, and where that came from and whether that was an internal policy?

Ms. Johnson answered that they looked at the process for additional reports on open investigations back in 2019, and made some adjustments to how the additional reports. They looked at new allegations, what is being reported, what has already been assessed, do they need to conduct new interview with critical case members? They look at the information received and then look at the activities that have been completed to date, and whether those address the concerns or whether they need to do additional follow up activities. The mechanisms within the MACWIS (child welfare information system) did not allow for that timeframe to be extended. It is something they are working on as they implement the new system (Katahdin). They understand that at times the investigations will go beyond the 35 days in order to comprehensively investigate those new allegations. There is flexibility but it was not available in MACWIS.

Director Landry explained that the new information system (Katahdin) that was authorized by the Legislature in 2018 was built and developed for child welfare information system. Implementation started in January.

Sen. Bailey then asked if she was correct in hearing that the 35 days is not as hard or fast as it seems to be?

Ms. Johnson confirmed and added that the timeframe doesn't change within the information system (MACWIS) so she assumes staff feel that pressure to get all of their tasks done within that time frame.

Director Landry added that one of the recommendations that came from the Casey Family Programs and Collaborative Safety process was that OCFS look at those timeframes and do some comparisons to other states and to make some recommendations. When looking at time frame also need to look at tasks in that timeframe. Our work has been with staff and partners, including those at Cutler Institute, to look at both tasks and timeframe, noting if you reduce the tasks and responsibilities, that could impact the number of days on a downward trend, on the other hand if you increase responsibilities and duties then that could increase the number of days needed to complete the process.

Sen. Bailey asked when they expect improvements will be implemented?

Director Landry stated that he does not have a specific timeframe on that work. He anticipates we will dedicating time over next several months and hopes to have a recommendation on what direction they want to proceed in, within the next six to eight months, and then want to get additional feedback from Maine Child Welfare Advisory Panel and others.

Sen. Bailey then asked about the Quality Assurance reviews and whether they are routinely shared with the Ombudsman.

Director Landry clarified that they share all of their quality assurance results on a de-identified basis within the reports regarding their Program Improvement Plans which are available on the website. The Ombudsman has access to that information as does the general public. The Ombudsman has access to the child welfare information system, both the prior and current systems, on a case specific basis as she reviews a specific case.

Rep. Madigan asked about caseworkers reporting they are not getting access to complete medical records, whether that is behavioral health, substance use, or medical records in order to complete assessments within the 35 days? Is it an issue of more time needed or are there barriers that prevent the caseworkers from getting the information they need? She noted it is critical when thinking about doing complete assessments and investigations for family service plans or reunification plans.

Director Landry answered that it is both of those pieces. Sometimes it takes additional time to receive records from medical professionals or behavioral health professionals to work through. Sometimes there are specific concerns related to the release of information. Sometimes there are specific concerns with hospital systems General Counsel and so it requires that some of the direct interface from the Office of the Attorney General with those hospital staff in order to address those issues and that sometimes it can delay the process. One of the things that was identified again in the Casey Family Programs and Collaborative Safety review was the specific issue around the sharing of information between law enforcement, hospitals and OCFS. In Fall 2021, they convened work groups in response. They have been working with the hospitals on near and long-term solutions to that problem that may or may not involve statutory changes. The second piece related very specifically around behavioral health professional working with parents. For that, they have worked with the DHHS Office of Behavioral Health and others and just released guidance to behavioral health professionals



providing them with additional information around the aspect of sharing that information and considering the involvement as an entire family unit and the impact on the child, as well as their client who is usually the parent. We did complete that and would be happy to share that guidance; that is just the first step and there will be continued work.

Ms. Johnson added that the information sharing issues are complex from getting the proper release paperwork signed, to stakeholders or partners understanding what they can and can't share with the department, to sometimes resistance in sharing information with the department and concerns about violating or damaging their relationship with their clients. Som. She is part of work groups trying to understand issues and develop solutions.

Rep. Madigan asked if they will be providing training or guidance to behavioral health providers on how they can structure a release in a way that can help provide the information that is necessary? She was interested in hearing the way that the work group would be able to educate providers on how to do that in a way that best serves the needs of child safety and family preservation.

Ms. Johnson stated that in their own (DHHS) release of information they try to include specific language related to the protection of mental health, substance abuse and other protected records. That is the release that they are having the different organizations or individuals they work with sign. Some providers will accept that, but the providers in the hospital systems in particular want their own release signed so sometimes that results in staff having to go back out and meet with the family to have that release signed. Or the provider will state the next time meeting with the family they will have to sign the release, so it can create delays in being able to gather the information needed to make timely decisions.

Sen. Claxton mentioned that he flagged the weekend and nighttime staff coverage as a major effort to offload some of the demand and distribute the tasks that are expected of the caseworkers. He also mentioned the idea of adding the paralegals in each of the districts to try and offload the legal judicial administrative work that goes with those efforts.

Director Landry added that in OCFS's comments to the report, they speak to the number of initiatives that are going on that they are moving forward with including following up on the recommendations from Casey Family Programs and Collaborative Safety last year.

Rep. Fay asked about the new training that was not evaluated or addressed in the report and how Director Landry thinks that is going and if they have received any feedback about that training?

Director Landry answered that they did just begin implementing their new training curriculum that was designed in partnership with the staff from the Cutler Institute of Muskie School. So far, they have had one round of training completely in that new process, and the second round of training with the second cohort began recently. They are just beginning to receive information back, but has heard some positive things about the restructuring of that training. They heard some concerns that they want to address with Cutler as they continue forward. It is still early in the process, but they are beginning to hear some of positive signs that relate to some of the changes. One of the things they have been hearing is that new staff wanted to get more specific training based on their specific role, investigations versus permanency. There is now common training for everyone but then they divide up into specialized tracks of learning focus for the different areas. They will get more detailed training on their specific role as opposed to a larger, broader training for all staff. They are working to be prepared for when an employee may want to switch to a different area, for example move from investigation to permanency, so that they can be trained properly for that new role.

Ms. Johnson added that their trainers are working in collaboration with the trainers at the Cutler Institute to do workshops with supervisors and district managers around either role in supporting the onboarding of staff and the coaching, and also doing a larger training for current staff around what it means to mentor and help their peers to learn the job.

Rep. Fay then asked for clarification on whether the new training is being offered to existing staff should they request it?

Ms. Johnson answered that they have not received any requests for that yet, but that is certainly something they would consider for them as an opportunity to strengthen the training that they previously had. One of the things they are looking to do if someone switches a program area is to have them come back and get that more intensive training in their new program area. It is definitely an option for staff.

Rep. Arata asked if drug screening is a requirement for reunification.

Director Landry stated that there is substance use testing in the investigations and in permanency and reunification work when there are indications of concern about substance use. The testing can occur at any point of the process, starting with investigations all the way through reunification.

Sen. Libby asked how many applicants do they have in the pipeline for the currently funded open positions.

Director Landry stated that he does not have the exact number at the current moment in time, but they can find that out and give the committee that data.

Sen. Libby then asked about why the training component of the survey was found to be a major weakness, as over 68% of the caseworker staff responded that they disagreed with the statement that the training prepared them to conduct investigations? How is the Cutler Institute work improving that part of the caseworker training?

Director Landry answered that the training does involve a specific job duty related training. It also includes some broader training aspects as well. There is a broader training around the impact of domestic violence on children and families and it includes information generally about substance use disorder. They also have information in the training about child development and some of the principles and research around child development and child brain development. There is also the specific information related to job duties. He stated that training itself is a critical and important component, but the support and work that the staff receive when they begin to implement that training and information in conjunction with their supervisors is vitally important as well. He was pleased to see in the OPEGA survey results that they felt that most staff were receiving significant and good support from their supervisors. They are attempting to address one piece while also trying to build upon the strength of the relationship and the work that the supervisors are doing with the caseworkers to further augment that part.

Ms. Johnson added that in addition, by separating out into the program specific areas they have also been able to incorporate additional simulated learning opportunities for staff. They have more time to practice as part of the classroom training the different components of their work that are really specific. They get to practice things like the initial contact with a family and investigation and practice a monthly caseworker contact. They have also strengthened training about testifying in court. They have a mock trial process that they have some judges assist with, so that they can practice testifying on a child protective case. The simulated experiences are one of the things that staff tend to feel like they get a benefit from.

Rep. Lemelin asked who specifically provides the training? And what is the format of training?

Director Landry answered that the Foundations Training is primarily done by the Cutler Institute staff with assistance and inclusion and involvement of OCFS internal trainers as well. It is a combined, joint approach that where they are using the expertise of the Cutler Institute as well as their own staff. Most of the training in the field occurs by OCFS staff. Sometimes they have community partners come in and do specific training in areas like domestic violence, or have other DHHS staff do training behavioral health or disability services for example. Training has been virtual since beginning of pandemic and it is moving to a hybrid semi-virtual training so that they can alleviate the travel burden for some of the staff in remote parts of the state.

Rep. Lemelin asked with the pandemic and couldn't do in-person and some of the training is in the field and how was that performed throughout COVID?

Director Landry answered that all of the field work since June of 2020 has been done in person, including the job shadowing.

Sen. Libby mentioned that he was concerned about some of the survey results [on perspectives] of those outside of the state government (p. 18 of report). For example, just one third of school personnel and one third of medical providers feel that OCFS properly balances child safety and family preservation. He asked if Director Landry had any comments on what needs to be done to correct that disconnect that exists among the partners?

Director Landry pointed him to look at page two of the Agency Comment letter included in the Appendix. Within the last paragraph of page 2 of the letter they discuss some of their perspectives on this, particularly the apparent disparity in the survey results which they recognize was limited to Kennebec County. Even though limited sample wanted to respond to apparent disparity between law enforcement, medical providers and schools. Generally speaking, OCFS has more of an ongoing and longer involvement during the investigation process with law enforcement and medical providers versus school personnel. Most of their work with school personnel would largely come at the beginning of an investigation proves with some of the initial interviews, and those individuals may not be as aware that the investigation is ongoing or what may or may not be happening with an investigation. That can sometimes lead to an incorrect perception that "nothing is happening." This may be part of the apparent disparity that is referenced on the chart on page 18 of the Report.

Director Landry then answered some of the questions for OCFS that were brought up during the presentation that had not been addressed yet.

Director Landry clarified the question about taking a child into custody and the six-hour hold by law enforcement. He confirmed that during the investigation period the department can only take custody of a child based on a court order, specifically a PPO or a custody order from the court. However, in partnership with law enforcement, they can request, and only law enforcement can then put in place a custody for this six-hour hold. However, in the department's partnership with law enforcement on many of these investigations, that is an avenue that is available to the staff when the immediate or imminent danger to the child needs to be resolved.

He noted that the safety decision is first and foremost the question that is addressed during the early stages of an investigation, but there are other aspects related to that investigation, such as some of the risk questions, that occur during that full 35-day period. He wanted to clarify that the safety aspect is addressed first.

Director Landry then brought up a question from Sen. Deschambault from two weeks prior related to workload being a much more important aspect related to evaluating the staff burden and staff expectations and responsibilities (compared to caseload). Since 2019, OCFS has now issued three separate reports on workload. They examine that and use that information. It has been provided to the HHS committee and made public on their website. He noted they do pay attention to caseload; caseload is simply a mathematic calculation whereas workload is much more comprehensive. From a caseload perspective, their data shows that their average caseload is approximately 10.5. It is higher for adoption workers and a little lower for permanency and investigation workers, but that is the mathematical average. While that is a data point, they believe that the workload question is much more important data point, which is why the reports to the HHS Committee in the legislature has focused on workload because they agree it is a more appropriate way of looking at this point.

**Committee at Ease** - Reconvened at 1:30pm

- **Research Expense Tax Credit (R & D Credit)**

(A copy of the report can be found here: <https://legislature.maine.gov/doc/8379>)

- **Public Comment Period**

(A copy of All Public Comment can be found here: <https://legislature.maine.gov/doc/8517>)

The following individuals provided verbal testimony at the meeting:

Linda Caprara (see pg 1 of "All Public Comment" linked above)  
Phoenix McLaughlin (see pg 2 of "All Public Comment" linked above)

Senator Libby referenced documents provided by OPEGA in response to some questions that the committee had during the presentation of the Report. The chair suggested the committee review these at the Work Session on April 8<sup>th</sup> to go over these materials.

## **Summary of March 11, 2022 GOC Meeting**

The Summary of February 11, 2022 Meeting was accepted as written.

## **Report from Director**

The chair suggested they move this forward to the next meeting as Director Nixon was not able to attend.

## **Next GOC meeting date**

Sen. Libby noted that the next GOC meeting is scheduled for Friday, April 8, 2022 at 10:00 a.m. and will be held electronically. The second CPS Report from OPEGA will have its Public Comment Period and Work Session. There will also be a work session on the Research Expense Tax Credit (R & D Credit).

## **Unfinished Business**

Sen. Deschambault expressed her appreciation and thanks to OPEGA staff for the CPS Investigations Report.

Sen. Keim asked about the next steps on the Report and the plan for April 8 and if the idea was to potentially create legislation around this report or were they going to look at existing legislation that is in other committees?

Sen. Libby answered that they need to find a way to incorporate some of the recommended changes into a legislative vehicle. It could take the form of floor amendments to pending legislation. It could be HHS committee putting together a new bill. Or a third option would be GOC could introduce legislation. He suggests that the GOC members talk with the HHS members and figure out how to incorporate the recommendations from this report into some legislative vehicle that is out there already.

Rep. Stover added that they OPEGA provided GOC a summary of the eight existing bills in HHS previously and that could be updated. She added that they could probably find a way to include some of the issues identified within some of those bills.

## **Adjourn**

The Chair, Sen. Libby, adjourned the Government Oversight Committee meeting at 1:48 p.m. on a motion by Sen. Keim, seconded by Rep. Stover.