

## Designing the Pilot Program

Commission to Develop a Pilot Program to Provide Legal Representation  
to Families in the Child Protection System - October 3, 2022

[Resolve 2021, chapter 181, §5](#) directs the Commission to complete the following duties:

1. Study programs, policies and contracts for services that provide, in other states, regions or municipalities, legal counsel to parents or custodians as soon as that state opens a safety assessment or similar initial evaluation to determine if a child is at risk of harm, rather than only after that state petitions a court;
2. Design a pilot program to provide legal counsel to parents or custodians as soon as the State opens a safety assessment to determine if a child is at risk of harm. The pilot program design must include the following:
  - A. The cost of the pilot program, including options for federal or grant funding;
  - B. An assessment of the number of additional cases to be referred for legal counsel;
  - C. Identification of an appropriate organization or organizations that could provide legal counsel in the pilot program;
  - D. A method of providing notice from the Department of Health and Human Services to the organization or organizations providing legal counsel as well as appropriate confidentiality protections; and
  - E. An appropriate duration of the pilot program and data required for assessment to determine regional or statewide expansion; and
3. Solicit public comment on the establishment of a pilot program.

### Duty #2: Potential Recommendations for Pilot Program Design

Issue	Potentially helpful resources	Recommendation
<i>Who is the target client population?</i>		
<ul style="list-style-type: none"> <li>➤ Clients in a specific <b>geographic area</b>:               <ul style="list-style-type: none"> <li>▪ By county?</li> <li>▪ By OCFS district/region?</li> </ul> </li> <li>➤ Clients within a <b>specific demographic</b> or who have a specific <b>type of civil legal issue</b> affecting child safety—for example:               <ul style="list-style-type: none"> <li>• Substance use issues (substance-exposed infants, parent(s) in need of treatment, etc.);</li> <li>• Parent/custodian victim of domestic violence;</li> <li>• Housing issues (homelessness, eviction, etc.); or</li> <li>• Other demographic or specific civil legal issue?</li> </ul> </li> <li>➤ Clients who <b>both</b> live in a <b>specific geographic area</b> <b>and</b> are within a <b>specific demographic</b> or who have a specific <b>type of civil legal issue</b> affecting child safety.</li> <li>➤ Other options for selecting pilot program clients?</li> </ul>	<p><u>Counties in each OCFS district:</u></p> <ol style="list-style-type: none"> <li>1. York</li> <li>2. Cumberland, Sagadahoc</li> <li>3. Androscoggin, Franklin, Oxford</li> <li>4. Knox, Waldo, Lincoln</li> <li>5. Kennebec, Somerset</li> <li>6. Penobscot, Piscataquis</li> <li>7. Hancock, Washington</li> <li>8. Aroostook</li> </ol> <p>For data on investigations, cases &amp; child removals by county, see <a href="#">DHHS data</a> from 8/22/22 meeting. For data on the number of reports vs. number of investigations, see <a href="#">Child Welfare Annual Report (2020)</a>, pp. 2, 5.</p> <p>For data on risk factors identified during investigations, see <a href="#">Child Welfare Annual Report (2020)</a> pp. 9-10 and <a href="#">Child Welfare Annual Report (2021)</a>, p. 8 (substance use).</p> <p>See for comparison, <a href="#">Program Design and Outcomes of Selected Pre-Petition Legal Representation Programs</a></p>	

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<b><i>At what point should the pilot program accept referrals / engage with potential clients?</i></b>												
➤ If OCFS receives a report of abuse or neglect?	<p>See info. from <a href="#">DHHS data</a> from the 8/22/22 meeting and the <a href="#">OPEGA Report</a> from March 2022:</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th style="text-align: center;">Calendar year 2021</th> </tr> </thead> <tbody> <tr> <td># reports</td> <td style="text-align: center;">26,584</td> </tr> <tr> <td># investigations</td> <td style="text-align: center;">9,784</td> </tr> <tr> <td># cases opened</td> <td style="text-align: center;">1,575</td> </tr> <tr> <td># cases where child(ren) removed</td> <td style="text-align: center;">528</td> </tr> </tbody> </table>		Calendar year 2021	# reports	26,584	# investigations	9,784	# cases opened	1,575	# cases where child(ren) removed	528	
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# reports		26,584										
# investigations		9,784										
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➤ If report is referred for investigation (not screened out)?												
➤ If a (services?) case is opened but a petition for removal has not yet been filed?												
➤ Other?												
<b><i>Who should provide the pilot program services?</i></b>												
➤ What organization? <ul style="list-style-type: none"> <li>• Pine Tree Legal Assistance?</li> <li>• Other existing civil legal aid organization?</li> <li>• Contract attorneys? With or without MCILS oversight?</li> <li>• Other?</li> </ul>	<p>See for comparison, <a href="#">Program Design and Outcomes of Selected Pre-Petition Legal Representation Programs</a></p>											
➤ What types of service providers? <ul style="list-style-type: none"> <li>• Attorney(s)?</li> <li>• Social worker(s)?</li> <li>• Parent ally/advocate(s)?</li> <li>• Other?</li> </ul>												
<b><i>What type(s) of services should be provided by the pilot program?</i></b>												
➤ <b><i>Direct child welfare advocacy:</i></b> <ul style="list-style-type: none"> <li>• Information about child welfare process, including state obligations and family rights?</li> <li>• Legal advice and advocacy?</li> </ul>	<p>See <a href="#">Maine Child Welfare Advisory Panel, Annual Report 2021</a> (p. 16) pilot project recommendation.</p>											
➤ <b><i>Ancillary civil legal issues:</i></b> <ul style="list-style-type: none"> <li>• Provide information, advice, connections to resources and/or legal representation on some or all of the following types of issues?               <ul style="list-style-type: none"> <li>▪ Housing issues;</li> <li>▪ Protection orders / domestic violence;</li> <li>▪ Guardianships;</li> <li>▪ Family matters: divorce, parental rights &amp; responsibilities, paternity, and/or child support—limited or full representation?</li> <li>▪ Public benefits issues;</li> <li>▪ Substance use issues;</li> <li>▪ Immigration issues;</li> <li>▪ Other?</li> </ul> </li> <li>• Should any civil legal issues be excluded?</li> </ul>	<p>For data on risk factors identified during investigations, see <a href="#">Child Welfare Annual Report (2020)</a> pp. 9-10 and <a href="#">Child Welfare Annual Report (2021)</a>, p. 8 (substance use).</p> <p>See for comparison, <a href="#">Program Design and Outcomes of Selected Pre-Petition Legal Representation Programs</a></p>											
➤ <b><i>Both of the above?</i></b>												

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➤ <i>Other?</i>		
<b><i>How should referrals be made to the pilot program?</i></b>		
➤ Should referrals only be accepted from OCFS caseworkers and supervisors? <ul style="list-style-type: none"> <li>• What confidentiality protections and protocols should apply to such referrals?</li> </ul>	<a href="#">See for comparison, Program Design and Outcomes of Selected Pre-Petition Legal Representation Programs</a>	
➤ Should other sources of referrals be accepted? <ul style="list-style-type: none"> <li>• Community partners?</li> <li>• Self-referrals?</li> <li>• Other?</li> </ul>		
<b><i>What data should be collected to assess the pilot program and determine regional or statewide expansion?</i></b>		
➤ What client data should be collected? <ul style="list-style-type: none"> <li>• Demographic data?</li> <li>• Referral source?</li> <li>• Civil legal services needs (if appropriate)?</li> <li>• Other?</li> </ul>	<a href="#">See for comparison, Program Design and Outcomes of Selected Pre-Petition Legal Representation Programs</a>	<i>Note:</i> Dr. Alicia Summers will be presenting on data collection design and analysis at the 10/17/22 meeting
➤ What outcomes should be measured? <ul style="list-style-type: none"> <li>• Whether services case is opened or time until services case is closed (as appropriate)?</li> <li>• Whether a child protection petition is filed?</li> <li>• If petition filed, whether the children are removed?</li> <li>• Outcome of civil legal advocacy/support provided (ex: protection order obtained, custody order obtained, benefits received)</li> <li>• Parent satisfaction (via surveys)?</li> <li>• Other?</li> </ul>		
➤ Can and should pilot program outcomes (some or all) be measured against a control group? <ul style="list-style-type: none"> <li>• What confidentiality protections and protocols should be employed to share this outcome data?</li> </ul>		
➤ Timing of data collection and reporting: <ul style="list-style-type: none"> <li>• At what interval(s) should outcome data be measured?</li> <li>• Should outcome data be reported at only the end of the program or should interim reports be prepared?</li> </ul>		
➤ To whom should outcome data be reported? <ul style="list-style-type: none"> <li>• HHS, JUD or AFA Committees?</li> <li>• Other?</li> </ul>		

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<b><i>What is the appropriate duration for the pilot program?</i></b>		
<ul style="list-style-type: none"><li>➤ A definite time period (6 months? 1 year?)?</li><li>➤ Until a specified amount of funding has been expended?</li><li>➤ Other?</li></ul>		
<b><i>How should the potential cost of the program be determined?</i></b>		
<ul style="list-style-type: none"><li>➤ Serve <b><i>all clients</i></b> who meet eligibility criteria during a specified time period?</li><li>➤ Allow the program to serve up to a <b><i>specified maximum number of clients</i></b> who meet eligibility criteria during a specified time period?</li><li>➤ <b><i>Establish the number of staff</i></b> to be hired by the program, and allow the program to serve as many clients who meet eligibility criteria as that number of staff can handle during a specified time period?</li><li>➤ <b><i>Establish a specific dollar amount</i></b> that can be expended by the pilot program and allow the program to serve as many clients who meet eligibility criteria as possible during a specified time period or until all program funds are expended, whichever is sooner?</li><li>➤ <b><i>Other?</i></b></li></ul>		
<b><i>What are the options for federal or grant funding of the pilot program?</i></b>		
<ul style="list-style-type: none"><li>➤ Title IV-E reimbursement options:<ul style="list-style-type: none"><li>• Seek Title IV-E reimbursement for the pre-petition pilot program;</li><li>• Seek Title IV-E reimbursement for MCILS's representation of indigent parents and use funds for pre-petition pilot program</li></ul></li><li>➤ American Rescue Plan Act of 2021 supplemental funds for CAPTA State Grants and CBCAP Program Grants</li><li>➤ Temporary Assistance for Needy Families (TANF)</li><li>➤ Other federal funding options?<ul style="list-style-type: none"><li>• Title IV-B Court Improvement Program (CIP)</li><li>• Title IV-B grant program for civil legal services (President's proposed FY2023 budget)</li></ul></li><li>➤ Other grant funding options?</li></ul>		

See [Information on potential federal funding sources](#) provided by staff for the 10/3/2022 meeting,