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Governor

Jeanne M. Lambrew, Ph.D.  
Commissioner



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January 11, 2024

Senator Joseph Baldacci, Chair  
Representative Michele Meyer, Chair  
Members, Joint Standing Committee on Health and Human Services  
100 State House Station  
Augusta, ME 04333-0100

Re: LD 1788, *An Act to Establish the Office of the Inspector General of Child Protection*

Senator Baldacci, Representative Meyer, and Members of the Joint Standing Committee on Health and Human Services:

Thank you for the opportunity to provide the input of the Department of Health and Human Services on LD 1788, *An Act to Establish the Office of the Inspector General of Child Protection*. This bill would establish the Office of the Inspector General of Child Protection with oversight of the Inspector General extending beyond child protection to include all licensed facilities for children (residential care, homeless shelters, child care, resource families, etc.) and juvenile justice.

The Department is opposed to this proposal because it is not clear what additional benefit it offers to the robust and comprehensive oversight of child welfare that already exists, which has been expanded over the last several years. This includes, but is not limited to, federal regulatory oversight, legislative oversight, and the oversight of several panels comprised of child welfare stakeholders (the Maine Child Welfare Advisory Panel, Justice for Children Task Force, and the Child Death and Serious Injury Review Panel). The State is well served by an existing Child Welfare Ombudsman Program, which has recently been expanded following collaborative investment by the Executive and Legislative branches. The Government Oversight Committee has also proven its authority to provide oversight in recent years.

Current oversight activity was detailed in a January 2022 Information Brief<sup>1</sup> developed by the Office of Program Evaluation and Government Accountability (OPEGA). Of note, OPEGA found in their brief that “[c]hild protective services as administered by DHHS/OCFS are subject to in-depth regulatory oversight by the federal government as well as advisory oversight from a network of state-level entities” and that “[s]tate-level advisory oversight engages all three branches of Government and both public and private sector stakeholders.”

The Department also shares its staff’s concerns about the impact of systems of review and oversight on their workload, as described in recent public testimony by OCFS field staff to the Government Oversight Committee. Appropriate oversight is critical, but duplicative

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<sup>1</sup> <https://legislature.maine.gov/doc/7924>

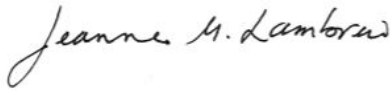
requirements and review may hinder staff's ability to dedicate the necessary time to engage effectively with the children and families in their caseload.

Unrelated to child welfare, the Department is concerned about the interplay between the proposed Inspector General and the existing licensing structure for facilities and providers that serve children. On page five of the bill, the Inspector General is given the authority to investigate allegations of misconduct, misfeasance, malfeasance, or violations of statutes, rules, or protocols by providers licensed by children's licensing. This subjects providers to duplicative oversight even though the Department has not received complaints about the licensing team's ability to appropriately investigate licensing concerns and hold providers accountable for meeting licensing requirements.

Finally, information related to child welfare cases is subject to significant confidentiality under state and federal statute. Should the Committee move forward with this bill, the interplay between an OIG of Child Protection and these requirements should be carefully considered.

We appreciate the Committee's consideration of all proposals that could improve the lives of and support for children and families in Maine, and stand ready to answer questions and engage with you as needed.

Sincerely,

A handwritten signature in cursive script that reads "Jeanne M. Lambrew".

Jeanne M. Lambrew, Ph.D  
Commissioner