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April 8, 2025

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

Re: LD 1421 – *An Act to Clarify Parental Notifications Regarding Child Care Facility Investigations*

Senator Ingwersen, Representative Meyer and members of the Joint Standing Committee on Health and Human Services, thank you for the opportunity to provide information in opposition to LD 1421, *An Act to Clarify Parental Notifications Regarding Child Care Facility Investigations*.

This bill would modify licensing statute to require that child care providers notify parents or legal guardians of children enrolled in the program when the program is under investigation by Children's Licensing. A violation of this duty to notify would result in a civil violation.

OCFS strongly supports the right of parents to be fully informed about violations of licensing rules by their child care providers, as well as findings of out-of-home abuse or neglect made against a child care staff person with regard to their child. OCFS is concerned that this bill goes a step further by requiring parental notification when an investigation is being conducted, before a determination is made whether a violation of a licensing rule or a finding of abuse or neglect has been substantiated. OCFS would also note that sometimes licensing violations are found but they are for relatively minor issues that are quickly addressed, such as missing documentation of employee training or lacking a thermometer in the refrigerator.

OCFS believes requiring notification as outlined in this bill would place an undue burden on providers and significantly impact their ability to do business as they would be required to not only notify parents but respond to all concerns in response from parents. This burden can be justified once allegations have been found to be true through the investigation process, which is why licensing rules require that providers post their most recent inspection report showing any violations of the rule, any enforcement action by the Department, and any other notice or correspondence required by the Department. OCFS would also note that it makes licensing inspection reports for every licensed provider available to the public on www.childcarechoices.me going back three years.

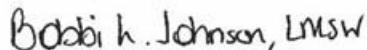
OCFS would also point out that if enacted as written this bill may not have the desired effect. There are two distinct investigation processes that can occur when there are concerns that arise about something that has happened in a child care program. The first is a licensing investigation

looking to determine whether the provider has violated the applicable licensing rule. The bill as written would require notification of these investigations but not of the second type of investigation, known as an out-of-home investigation. In an out-of-home investigation the Department seeks to determine whether a person responsible for the child in the child care program has abused or neglected a child. Sometimes these investigations happen simultaneously due to the nature of the allegations, but that is not always the case. Notably, in addition to posting information in the program and online, Title 22 already contains language allowing (but not requiring) notification of parents in each of these types of investigations. 22 MRSA §7703 contains an optional disclosure provision to the parent/guardian of the minor involved in the matter and 22 MRSA §4099-O contains a notification provision that allows the investigation team to notify the parent or guardian of a child involved in an alleged incident of abuse or neglect.

This Committee is very familiar with the need to increase the accessibility of high-quality, affordable child care. OCFS is concerned that the obligations created by LD 1421 would create an undue burden on providers to report allegations that are not yet found (and may never be found).

Please feel free to contact me if you have any questions during your deliberation of this bill.

Sincerely,

A handwritten signature in black ink that reads "Bobbi L. Johnson, LMSW". The signature is written in a cursive, slightly slanted style.

Bobbi L. Johnson, LMSW
Director
Office of Child and Family Services
Maine Department of Health and Human Services