

Child Welfare Briefing
Christine Alberi, Child Welfare Ombudsman
Judiciary Committee

Public Comment on LD 1544, An Act to Support Families by Improving the Court Process for
Child Protection Cases
April 14, 2025

Good afternoon, Senator Carney, Representative Kuhn, and members of the Judiciary Committee. This testimony is respectfully submitted by Christine Alberi, the Child Welfare Ombudsman for Maine. The Child Welfare Ombudsman respectfully urges the Committee to vote LD 1544 Ought Not to Pass.

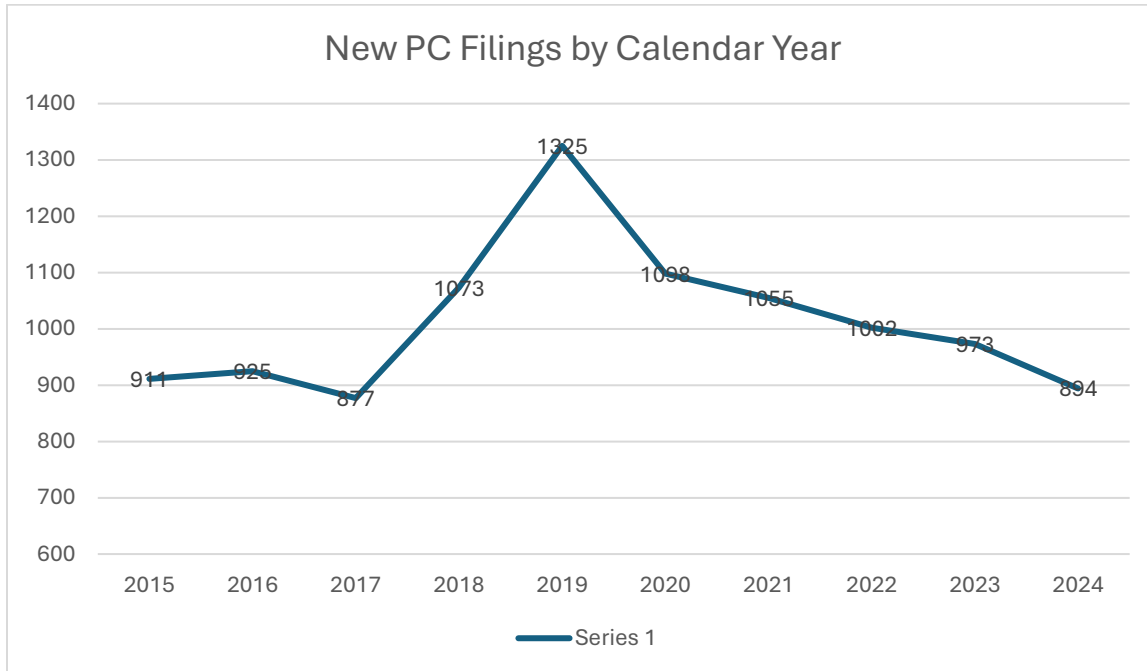
The Child Welfare Ombudsman is an independent non-profit created by statute, 22 M.R.S.A. §4087-A. As part of the Ombudsman's work, we complete case-specific reviews of Department child welfare cases from a neutral perspective, keeping the safety and best interests of the child at the forefront of our reviews. Unfortunately, in recent years, an analysis of our case-specific reviews has shown that the Department has continued to struggle with practice issues in two predominant areas: 1) during initial investigations to collect sufficient information to determine whether children are safe and to recognize risk to children, and 2) during reunification to collect sufficient information when making safety decisions on whether to send a child home.

The 2024 annual report, attached to this testimony, includes case summaries that reflect the practice issues common during investigations, beginning on page 12. In these cases, the Department did not act quickly and decisively to protect the children in question, which included delays in filing protective custody petitions.

There is no question that it is traumatic to remove children from their homes and familiar caregivers. However, I am concerned that the language in proposed legislation LD 1544 will discourage child welfare staff and courts from acting quickly when the risk is high, which we have consistently found is a practice issue that the Department already struggles with. There are many safeguards and protections for parents built into statute, and during the Ombudsman's case specific reviews, children are only being removed, especially on an emergency basis, if the situation is extremely serious and the child is not safe. Department staff has almost always exhausted all options prior to removal, and as stated above, in recent years have been waiting too long to protect children in many cases. The proposed language in LD 1544 adds additional burdens to caseworkers and courts and assumes that the trauma of removal is not already being considered.

There is no question that child welfare continues to struggle with enormous burdens, but statutory change was not among the Ombudsman's recommendations this year. We recommended that children's mental health and behavioral health services be strengthened; the Department continue current efforts to improve practice and increase staff retention; the Department continue to make improvements to the child welfare information database, Katahdin; and that other systems that surround child welfare be strengthened such as availability of court appointed defense attorneys, professional visit supervisors, and most importantly prevention and community support services.

Finally, recent data collected from the judicial branch shows that the Department, year over year, since 2019, has been filing fewer protective custody petitions in court. This suggests that the pendulum has not swung towards overreach, but instead that the Department is only filing petitions in the most serious cases.



2015: 911

2016: 925

2017: 877

2018: 1,073

2019: 1,325

2020: 1,098

2021: 1,055

2022: 1,002

2023: 973

2024: 894

Thank you for considering my testimony today.

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