



Kristi Mathieson

26 Haley Road
Kittery, ME 03904
Cell: (603) 969-7496

Kristi.Mathieson@legislature.maine.gov

HOUSE OF REPRESENTATIVES

2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002

(207) 287-1400
TTY: MAINE RELAY 711

Testimony of Representative Kristi Mathieson presenting

LD 1893, An Act to Establish an Independent Office of the Child Advocate
Before the Joint Standing Committee on Health and Human Services

Good morning, Senator Ingwersen, Representative Meyer, and esteemed colleagues on the Health and Human Services Committee. I am Representative Kristi Mathieson representing House District 151, Kittery. Thank you for your time today. It is my honor to present to you **LD 11893 An Act to Establish an Independent Office of the Child Advocate**.

Please accept my sincere apologies for not being available to present testimony (in person) on this important legislation. This legislation envisions an independent Office of the Children's Ombudsman. The office would expand jurisdiction of the current Ombudsman Program established that serves only children in custody of the Office of Child and Family Services (OCFS) through a contract with the Department of Health and Human Services (DHHS). This independent and expanded agency would structurally ensure independent oversight of State services and the voice of the very children who are, or should be, kept safe.

Why is LD 1893 so important now?

1. We have had chronic problems within child protection services and children in juvenile justice services have long been without any mechanism of independent oversight. Conditions of ineffectiveness and risk to safety, as evidenced by factors such as poor outcomes and caseworker testimony describing untenable and dangerous conditions in their work environment continue to heighten the situation to emergency levels. The state is vulnerable to continued liability.
2. The Legislature is contemplating a number of legislative actions for reform that rely upon information from the same administrators operating the problematic systems. There is no independent voice informed by broad access to information and most importantly, no representation of children's own lived experiences or viewpoints.

District 151: Kittery

3. No services for children and family can operate effectively without trust. It is necessary for children and families to engage in services. It is also necessary for the public to feel safe. An independent voice with access to both children, their records, system infrastructure, experts and science will serve as a valuable and essential resource to all parties for making the most effective, efficient decisions. An independent child's ombudsmen will have an immediate effect working relationships between the State, children, family and community.
4. The limited jurisdiction of Title 22 § 4087-A discriminates (by exclusion) certain children. For example children who are in custody or supervision of the Department of Corrections or Education or any other agency that is or should be serving children do not have protections of their rights like children who are suspected of or determined to be abused or neglected. Similarly, children receiving services from other State agencies than DHHS do not have a voice in the development, implementation and assessment of essential services.
5. The US Department of Justice (DOJ) found Maine in violation of the Americans with Disabilities Act for over-institutionalizing children with disabilities.[1] Children's lack of access to mental health services and over reliance on institutional placements with high risk of incarceration, violates children's rights, exacerbates trauma, and interrupts potential for rehabilitation. Appointment of an independent ombudsman to oversee juvenile justice reforms would be a sign of good faith to the DOJ and potentially avoid fines, federal oversight and class action.
6. Maine communities have had difficult situations with problem behaviors by youth. To ensure effective policy response, expanded jurisdiction of the ombudsman creates an avenue for deeper investigation of underlying causes of problem behavior in communities. Engaging children and youth in resolving community problems builds community relationships – a key ingredient in childhood resiliency and pro-social behavior. The majority of children involved in juvenile justice have been involved in low level offenses and, the majority of children detained and incarcerated suffer mental illness and learning disabilities. As juvenile justice policy is being contemplated the need for an informed voice with expertise to educate both the legislature and the administration is urgent if the State intends to develop effective, child-sensitive policy and services. Expanding the child welfare ombudsman's jurisdiction to include children in juvenile justice services would provide those affected youth with an expert voice in deliberations of service decisions.
7. An independent ombudsman with access to program administrators in confidence may serve as a valuable resource and ally in bringing forth the actual needs of the agencies that may not be aligned with political priorities. The ombudsman may help the administration and the legislature see beyond political priorities to effective investments. Effectiveness results in efficiency where public investments are concerned.

The people of Maine, especially the children, are eager for the Maine Legislature to take bold action. Before we face one more child death, or one more incarcerated child in substance withdrawal without adequate medical care, we need to create a mechanism for true independent oversight and promotion of children's best interest. The decisions we make to invest in services for children should be guided by an independent voice that is informed by broad access to information, including children themselves to fully assess their experience navigating state systems.

Thank you for your thoughtful consideration.

[1] [Office of Public Affairs, U.S. Department of Justice \(2022\). Justice Department finds Maine in violation of ADA for over-institutionalization of children with disabilities \(June 22\).
https://www.justice.gov/opa/pr/justice-department-finds-maine-violation-ada-over-institutionalization-children-disabilities](https://www.justice.gov/opa/pr/justice-department-finds-maine-violation-ada-over-institutionalization-children-disabilities)

[1] [U.S. Ombudsman Association \(undated\).
https://www.usombudsman.org/essential-characteristics-of-a-classical-ombudsman/](https://www.usombudsman.org/essential-characteristics-of-a-classical-ombudsman/)