

Janet T. Mills  
Governor

Sara Gagné-Holmes  
Commissioner



Maine Department of Health and Human Services  
Child and Family Services  
11 State House Station  
2 Anthony Avenue  
Augusta, Maine 04333-0011  
Tel.: (207) 624-7900; Toll Free: (877) 680-5866  
TTY: Dial 711 (Maine Relay); Fax: (207) 287-5282

5/9/2025

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 770 – *An Act to Establish the Office of the Inspector General of Child Protection*

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 770, *An Act to Establish the Office of the Inspector General of Child Protection*.

This bill would establish an Office of the Inspector General in Maine to investigate allegations of misconduct, misfeasance, malfeasance, or violations of statute by DHHS employees, child care providers, children's residential care facilities, resource parents, Long Creek Youth Development Center, or any other provider of child welfare services or administrator of juvenile justice. The OIG would have responsibility for investigating suspicious child deaths or serious injuries of children in child care facilities, residential facilities, resource homes, and Long Creek, as well as any child death or serious injury involving a family who had an open investigation with OCFS in the previous year. The inspector general would be permitted to review records and conduct unannounced visits, conduct interviews, review court records, etc. The OIG would ultimately issue reports on its investigations and this bill includes protections for those reports.

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

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

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.”


In addition, the Department is concerned about the interplay between the proposed Inspector General and the existing licensing structure for facilities and providers that serve children. Subjecting providers already licensed by the Department to additional is unnecessary, duplicative, and concerning as OCFS has not received any complaints about the Children’s Licensing teams ability to appropriately investigate licensing concerns and hold providers accountable for meeting licensing requirements.

Furthermore, OCFS has concern that the current language of the bill regarding pending criminal investigations is problematic for the successful prosecution of criminal cases related to child abuse and/or neglect. Specifically, the bill states, “upon request of a law enforcement agency and the prosecuting attorney and if the inspector general and prosecuting attorney determine appropriate, the inspector general may suspend an investigation...until the criminal investigation or prosecution is completed”. This bill does not provide for situations where the inspector general and the prosecutor do not agree on suspending the investigation. OCFS continues to assert that any action which risks jeopardizing the prosecution of crimes involving child abuse and/or neglect creates an additional risk to children that is unnecessary given that the records could be made available once the prosecution has concluded.

OCFS appreciates the Committee’s consideration of this input on LD 770.

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