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THE MAINE SENATE  
131st Legislature

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**Testimony of Senator Jeffrey Timberlake**

**LD 779, “An Act to Create a Separate Department of Child and Family Services”**

**Committee on Health and Human Services**

**January 11, 2024**

Senator Baldacci, Representative Meyer and Distinguished Members of the Joint Standing Committee on Health and Human Services: I am Jeff Timberlake and I represent Senate District 17, which includes the towns of Greene, Leeds, Lisbon, Livermore, Livermore Falls, Sabattus, Turner, and Wales.

It is a tremendous honor to be standing before you today to present LD 779, *An Act to Create a Separate Department of Child and Family Services*.

The topic being covered here is one that has already been subject to several years of intense scrutiny and consideration – both in the form of prior attempted legislation and exhaustive Oversight Committee work. The repeated, growing, and endemic failures of the Office of Family and Child Services under Maine’s DHHS merit very special care and attention, as well as bold, comprehensive action. As I just mentioned, I can only begin to describe the sheer volume of time and resources devoted to reviewing and reflecting on the glaring shortcomings of this one simple division from one lone department throughout my years on Government Oversight. Irrespective of where different representatives may stand on the finer details of potential reform, it is abundantly clear to me that the time for standing idly by and allowing the current arrangement to persist is simply not an option.

The issues within this particular office that have arisen in recent decades are far-reaching and well-documented – ranging from consistently extended waiting times, all the way up to the numerous instances of innocent children slipping through the cracks and losing their lives because of negligence and weak, feeble policy. Many of the specific examples are almost too grotesque to explore in detail in this setting, but suffice it to say that a system where 22 children (in 2017) died *after* the state had received reports of abuse – and a system where 34 children died with OCFS involvement in 2021 – is one that cannot continue to exist in its present form. As Shawn Yardley, CEO of the Lewiston-Based Community Concepts put it, this is the “...same conversation we’ve had for 10, even 12 years.” Per the Bangor Daily, DHHS itself has conceded as recently as November of last year to certain, serious inefficiencies within their system, and would in fact be open to a proposal segregating their child welfare office into its own agency.

One of the most crucial qualities any legislator can possess is the humility to identify failures, even when it may not be ideologically or politically convenient to do so. I am in a unique position to speak from very relevant experience here that can help to illustrate the problem and discussion we are now facing, and would like to lead by example. I, myself, previously submitted the bill under the LePage Administration that consolidated the Departments of Agriculture and Forestry into one agency. After several years of seeing this concept put into practice, it is perfectly evident to me that this only exacerbated inefficiencies and left far too much on the plate of the commissioner and many others under that department.

As serious as that example is, it is all the more dramatic under our DHHS, as it is one of the largest state agencies of its kind in the entire nation, according to NCSL. The sheer scope of policy under its umbrella and the requisite knowledge and skill to apply to them are well beyond the capacity of even the most adept administrators. I am not here to scold or sully the reputation of caseworkers, but rather highlight how regrettably easy it is for otherwise capable and compassionate individuals to effectively collapse under the weight of excessive caseloads, incoherent chain of command, and out of touch policies. Their grievances with the system likewise deserve to be addressed and remedied, so they can be equipped with the tools and support they need to properly carry out their responsibilities.

The support for this legislation from different corners of our local political life is not lacking. It currently enjoys several co-sponsors from across the aisle; we have numerous groups and individuals of all persuasions lined up today eager to testify in favor; and, quite notably, former Maine Secretary of State Bill Diamond has moved mountains to blow the whistle on this issue, between his attempt at similar legislation and the tireless efforts devoted to *Walk a Mile in Their Shoes*. Even DHHS itself is ready to acknowledge the need for something different.

I would like to close on that particular note, highlighting the unique opportunity before us for an immense bipartisan achievement – and one for a cause and an issue that could not possibly be more worthy. I don't think it is lost on anybody within these halls or outside of them that our nation at both the state and federal level has begun witnessing levels of intensifying division not previously experienced in our lifetimes. Surely, if there is anything that can help to bridge that gap to any meaningful extent, it would have to be the welfare and well-being of the most vulnerable among us.

All too often it seems, as legislators, we are quick to draw attention to pressing issues without backing up those calls with a tangible path forward. I have in my hand a working roadmap for the legislature to proceed with that has been distributed to the committee, modeled off of the innovative work introduced by other state governments, along with a complete report from Washington State for reference. I also have a projected fiscal impact statement showing a roughly \$4 million cost to this measure. While you certainly can't put a price on any one child's life, I *do* feel that is a pretty modest figure for something like this in the long run. I would stress to the committee and others in the legislature that I am not married to every detail of this template, am perfectly open to further deliberation, and am receptive to different elements that have been introduced in various states that have affirmatively been met with success which may not be explicitly contained in my handout.

This is my challenge to you all to get this thing across the finish line and do right by Maine's children. If we can't be trusted as lawmakers and public representatives to get this right, then what can we be trusted with?

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