

Testimony LD 779

Senator Baldacci, Representative Meyer, and members of the Health and Human Services Committee, my name is Bill Diamond. I live in Windham and I'm speaking in support of LD 779, "An Act to Create a Separate Department of Child and Family Services."

I sponsored the same titled bill, LD 1263 and presented it to the HHS committee in the 130th Legislature on April 13, 2021.

Reason: Office of Child and Family Services had serious long-term problems including consistently making inappropriate decisions regarding keeping children safe while in state care, which was reported in detail by the Child Welfare Ombudsman.

Employee morale was getting worse. Caseworkers were being put in dangerous situations and experiencing intolerable working conditions. Foster parents were leaving the system out of frustration with the lack of communication from management and stakeholders were getting more frustrated with management's lack of consistency and poor policies.

All those reasons are still prevalent today only much worse. As we've heard from caseworkers and resource (foster) parents during recent public testimony before the Government Oversight Committee, the culture at OCFS is broken and the system is failing. A caseworker testified that it's like working in a "war zone."

The bill I presented was aggressively opposed by DHHS resulting in the committee voting the bill out 12-1 ONTP with only Senator Baldacci voting in favor. The department worked hard to kill the bill; however it survived and made it to the Senate on June 3, 2021 and passed 22-12. Why? Because the public and legislators were becoming aware of the dysfunction within OCFS and the resulting record number of children dying while in their care. The feeling was...something had to be done.

Realizing the bill was gaining serious traction, the Department initiated an all-out lobbying effort in the House to kill the bill and on June 7, 2021 — four days after the Senate passed LD 1263 — the bill was killed "under the hammer." The

problems still existed, in fact, two weeks after this bill was killed it was learned that three more children under state care – three-year-old Hailey Goding of Old Town, six- week-old Jaden Harding of Brewer, three-year-old Maddox Williams of Stockton Spring) — all died within a four-week period in June. Then in August, one-month old Sylus Melvin – Milo was killed totaling four child deaths for the summer followed by the death of three-year-old Carson Malloy in November.

These tragedies caused an uproar among the public and legislators and was the reason two highly respected veteran members of the Ombudsman Board of Directors resigned expressing their frustration with the ongoing lack of meaningful improvements within OCFS.

On June 30, 2021, I formally requested GOC to initiate an investigation into all policies and procedures at OCFS which they voted to do a month later in July. That investigation is still going on today.

What the Department didn't realize at the time was the surprise lopsided vote in the Senate was the turning point in the long journey of needed reform within OCFS. The rising public awareness of the record number of horrific child deaths, the intolerable working conditions for employees and fosters, and the overall frustrations with the Department were signaling a demand for change.

Changing government structure is part of the natural evolution of state bureaucracies. For example, Maine used to have a Department of Mental Health and Corrections, a Forest Commissioner, Commissioner of Sea and Shores, Commissioner of Labor and Industry, and a Department of Human Services. Not to mention the Governor's Executive Council which had to approve nearly everything the Governor wanted to do. The change proposed by LD 779 is not unusual.

One of the most prominent government reforms in Maine happened during Gov. Baldacci's administration. He realized he had inherited a DHS that had serious problems illustrated by the conditions surrounding the tragic death of five-year-old Logan Marr who died at the hands of her state caretaker, Sally Schofield, on January 31, 2001.

At that time programs were fragmented frustrating families, caseworkers, fosters, and department staff. There were serious internal problems including a lack of efficient management and proper oversight.

On May 13, 2003, Governor Baldacci signed an executive order establishing the Advisory Council for the Reorganization and Unification of the DHS and the Department of Behavioral and Development Services.

On January 16, 2004, the Governor announced the steps to initiate the merger. Financial guidance was provided by an outside firm, Waterhouse Coopers, along with inhouse resources including DAFS and other state agencies. Planning the merger included assessing several administrative functions such as fiscal, licensing, training contracting, human services, and IT.

It was a change that needed to happen 20 years ago...just as now a change is needed. Restructuring OCFS as a separate department and removing it as part of the largest and most complex agency in state government is an important step.

If we're going to make meaningful changes in OCFS, there must be more transparency, a significant change in culture, and a willingness from within to work with the various stakeholders in a truly open environment.

It has been reported that DHHS recently announced they were now willing to discuss OCFS becoming a separate department. This new position is a dramatic change from their previous adamant opposition to this concept. I'm not sure what influenced their sudden change of heart, but if their comments are genuine, then the procedures to initiate the action steps could be expedited, just as Governor Baldacci did exactly 20 years ago next week.

Thank you, I'm pleased to answer any questions.