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Testimony of the Office of Child and Family Services
Maine Department of Health and Human Services

Before the Joint Standing Committee on Judiciary

In support of LD 122, *An Act to Update Certain Laws Regarding Extended Care and Adoption*

Sponsor: Senator Carney
Hearing Date: January 22, 2025

Senator Carney, Representative Kuhn, and members of the Joint Standing Committee on Judiciary, my name is Bobbi Johnson, and I serve as the Director of the Office of Child and Family Services (OCFS) in the Maine Department of Health and Human Services. I am here today to testify in support of LD 122, *An Act to Update Certain Laws Regarding Extended Care and Adoption*. Thank you to Senator Carney for sponsoring this Department bill.

This bill proposes four changes to statute. Section 1 of the bill eliminates language that provides an exception to the confidentiality of background checks for instances where the court is considering adoption. 18-C MRSA §9-304 authorizes the department to run FBI background checks for adoptions. OCFS is not presently using this authority or the FBI Originating Agency Identifier (ORI) associated with it and hasn't since 2015. Currently, all of Maine's Probate and District Courts have an ORI to finalize adoptions and OCFS' Background Check unit uses our Adam Walsh ORI for the licensing foster homes. This issue was flagged for the State Bureau of Investigation (SBI) and OCFS by the FBI and in response OCFS is proposing this minor amendment to the statute to address their concerns about any possible future use of the ORI for adoptions.

Section 2 of the bill makes a minor update to 22 MRSA §4010-C which governs Maine's Alumni Transition Grant Program (ATGP). ATGP provides financial assistance and navigator support to eligible youth who have "aged out" of Maine's foster care system to ensure they are able to engage in and complete postsecondary education. The addition of the language regarding "training programs" will provide additional clarity that a wide variety of postsecondary education programs are eligible for support under ATGP.

Section 3 of the bill modifies the requirement for judicial reviews. A few years ago Maine proactively extended the maximum age for the Voluntary Extended Care Program (also known as the V-9 program). V-9 provides ongoing care and support for youth who "age out" of care up to age 23 (previously up to age 21). The federal government requires states to have an extended care program up to age 21 and includes in that requirement that those engaged in the extended care program receive a judicial review at least once every 12 months. Because the federal government's requirements do not govern youth age 21 and 22 in Maine's program it is not a

federal requirement they receive a judicial review. In connecting with and listening to youth and their advocates both within the Department and the wider community we heard that youth felt that any benefit of these judicial reviews was outweighed by the imposition caused by the court date. Many of these youth are engaged in work and/or educational activities and having to take time away from those things is harmful in terms of finances, educational progress, or both. Every youth in the V-9 program has an assigned caseworker who they meet with and receive support for regularly. Together they can problem solve to address any concerns, and the caseworker can always seek a judicial review if it becomes necessary based on specific facts and circumstances of the case.

Section 4 of the bill makes a change to the judicial review process for regular judicial reviews for children (under the age of 18) who are in the care and custody of the Department, specifically it requires that for youth age 14 years and older the youth must receive notice of the judicial review and that such notice include a statement about the youth's right to be heard at the judicial review if they so choose. Last year staff from OCFS and the Attorney General's Office, along with attorneys and Guardians ad Litem who represent children in PC cases came together for the annual Judicial Child Protective Conference. One of the themes of the conference was engaging with older youth to empower them and this proposal was born out of discussions at the conference. This proposal doesn't go as far as some states that require youth attend their equivalent of a judicial review. This was intentional as we wanted to respect that not all youth want to engage in these hearings and the reasons for that can be as multifaceted as the individual youths we serve. Nonetheless, we wanted to make clear by requiring an explicit invitation to participate, that youth can and should have a voice in the direction of their case and all the ways it impacts their life.

OCFS strongly supports these changes. While some of them are relatively minor or focused on technical amendments, they are all important to clarifying OCFS' role and ensuring the best possible support for children and youth in the Department's care.

Thank you for your time and attention. I would be happy to answer any questions you may have and to make myself available for questions at the work session.