

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

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

Before the Joint Standing Committee on Judiciary

In opposition to LD 869, *An Act to Give Grandparents Intervenor Status in Certain Child Protection Proceedings*

Sponsor: Representative Fredette  
Hearing Date: March 10, 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 opposition to LD 869, *An Act to Give Grandparents Intervenor Status in Certain Child Protection Proceedings*.

This bill would modify the Child and Family Services and Child Protection Act to allow courts to designate a grandparent as having intervenor status in child protection proceedings upon request. As intervenors, these grandparents would have the right to be heard and the right to present or cross-examine witnesses as well as present evidence. They would also have access to pleadings and records. A judge's decision about whether to grant intervenor status is based on whether the grandchild is in the Department's care.

OCFS is opposed to LD 869 because a process already exists for individuals (including grandparents) to request status in the protective custody case, including interested person, intervenor, and participant status (see 22 MRSA §4005-D). Grandparents are specifically included in §4005-D. §4005-D also states that, "upon request, the court shall designate a foster parent, grandparent, pre-adoptive parent or a relative of a child as an interested person unless the court finds good cause not to do so." §4005-D also states that interested persons, participants, and intervenors have the right to attend and observe all court proceedings unless the court finds good cause to exclude them. OCFS believes the current statute offers ample protection to ensure that grandparents have the opportunity to be involved in the case, while also balancing the reality that in some situations it is not appropriate to have a grandparent involved. This is done by authorizing the courts to evaluate and decide whether good cause exists to grant or not grant status to the person making the request.

OCFS also has concerns with the wording of Sec. 1 of the bill in that it requires the judge's decision on granting intervenor status to be based on "whether the department has placed the child in foster care." The Department does not place children in foster care. By statute, OCFS

may petition the court for custody of a child, yet the decision on whether to grant that request lies with the court, and thus it is the courts who place children in foster care.

The statutes governing OCFS' work are grounded heavily in our shared belief that children do best when they remain connected to their families. That includes trying to maintain family unity whenever safely possible and when removal does occur ensuring that to the greatest extent possible children are placed in the care of relatives and fictive kin. Maintaining a connection to family has long been recognized as a strong mitigating factor amidst the significant trauma of removal. OCFS has consistently outpaced the national average for the percentage of children in the Department's custody who are placed with kin, averaging above 40% of all placements, while the national average is around 35% of placements. Some states have kinship placement rates as low as 10%. This data reflects OCFS' enduring commitment to maintaining family connections, including with grandparents, whenever safe and appropriate in light of the family and child's circumstances. OCFS believes that §4005-D already offers significant rights to grandparents and other parties with an interest in the child protection proceeding while also ensuring that the court has the opportunity to review and consider the totality of the circumstances and decide whether good cause exists to exclude someone. This balancing by a judge is key to the ability of Maine to best meet the needs of our most vulnerable children and families.

OCFS urges you to vote ought not to pass on LD 869.

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.