

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 Health and Human Services

In opposition to LD 1108, *An Act Regarding Reunification of Foster Children with Their Parents*

Sponsor: Representative Griffin  
Hearing Date: April 4, 2025

Senator Ingwersen, Representative Meyer, and members of the Joint Standing Committee on Health and Human Services, 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 1108, *An Act Regarding Reunification of Foster Children with Their Parents*.

This bill would require the Department to include random screening for illegal drugs as part of a rehabilitation and reunification plan if the parent is in treatment for substance use disorder. It would also require the Department to schedule meetings to allow for attendance of the parent to the greatest extent possible and conduct unscheduled home visits with the parent. LD 1108 would also create a statutory requirement that parents make good faith efforts to cooperate with the Department in reunification. Finally, and most importantly, this bill would create a statutory prohibition on the Department's ability to petition for judicial review and return of custody to the child's parents earlier than six months following removal.

OCFS does not oppose screening parents for illegal substances, this is already a regular part of any case where substance use was a risk factor at removal, regardless of whether that substance use involved illegal drugs or medication assisted treatment. OCFS also already ensures that meetings are scheduled at times that are practicable for parents. Family Team Meetings, which are the primary model for case-related meetings, are considered to be the parent's meeting and planning one at a time when the parent cannot attend would not effectuate the purpose of the meeting. OCFS already has policy and procedural expectations for staff in place related to drug screening, scheduling of meetings, and conducting home visits. OCFS has concerns that this bill's requirement that home visits with parents be unscheduled would create problems both in terms of being able to conduct visits, since it is impossible to know when a parent will be home if the meeting isn't scheduled, as well as in terms of fostering the type of collaborative approach OCFS' permanency caseworkers attempt to build with their clients in the reunification process. OCFS also recognizes there are times when it is appropriate to conduct unannounced home visits and in current practice unannounced home visits may be part of a family's case plan.

OCFS is strongly opposed to any arbitrary limitations prohibiting reunification within a certain time period. Each protective custody case is unique. The safety and well-being of the children and the focus on reunification whenever safely possible are always paramount in these cases. Limiting the time in which reunification can be considered does nothing to serve the best interest of children. OCFS also has legal concerns about creating an inability to return custody of a child to their parent within six months of removal. This could be viewed as an unconstitutional infringement on the parent's fundamental rights as it could set up a situation where jeopardy concerns have been alleviated or mitigated by the parents and yet the state is statutorily prohibited from returning the child to their parents. There are certainly situations where OCFS needs to take custody of a child to ensure their safety and well-being, but the child can be safely returned to a protective parent relatively soon afterwards.

While we recognize the intention and focus of this bill on protecting children, OCFS believes this proposal fails to acknowledge the stringent oversight all protective custody cases are subject to in the District Court. Presently, if OCFS seeks to return custody of a child to a parent there is a process in the District Court where a judge, after hearing evidence in support as well as any evidence in opposition, makes the decision whether to reunify. The same oversight also impacts OCFS' adherence to existing statutory, policy, and procedural guidelines related to issues such as drug screens, Family Team Meetings, and regular visits with all case participants.

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.