

Written Testimony by
Moira O'Neill, RN, PhD
1035 Newbury Neck Road
Surry, Maine 04684
moira.oneillphd@gmail.com

**For the Joint Standing Committee on Health and Human Services
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Good morning Chair Ingwersen, Chair Meyer, and members of the Joint Standing Committee on Health and Human Services.

Thank you for the opportunity to testify in support of **LD 1893 An Act to Establish an Independent Office of the Child Advocate**.

My name is Moira O'Neill. I live in Surry in Hancock County. From 2018-2022 I served as New Hampshire's first State Child Advocate. Prior to that I served as an Assistant Child Advocate in Connecticut. In 2011 I published a doctoral dissertation that was a descriptive study of state children's ombudsmen and child advocates¹ in the United States. I have an abundance of information to share on the office that **LD 1893** would create. With limited time, I focus on five key points for your consideration.

Like many other states, Maine established a Child Welfare Ombudsman following a sentinel event, specifically, the death of a child named Logan Marr. Logan's death prompted no less than 14 proposed bills, a 12-member review committee, and ultimately, the Child Welfare Ombudsman Program. The event and proliferation of policy represents an all-too-common pattern when tragedy occurs in stressed state systems for children. There are now 45 states with some kind of an ombudsmen for children. Thirty-two are structurally independent with broad jurisdiction for all children's services. This has been the trend with new offices being established, and existing offices like Michigan and New Hampshire that expanded jurisdiction where historically, like Maine, they were limited to child protection or juvenile justice. Now we are here again, not only lamenting child deaths, but also a federal law suit and more. Five points demonstrate the need for **LD 1893** to be passed into law.

1. The Child Welfare Ombudsman's structure as a contractor with the agency it oversees threatens its appearance of independence. That risks erosion of trust with children, families and the public and may impede willingness to call upon a potentially helpful resource. Being a contractor outside of state government also limits the Ombudsman's access to resources, such as the state's human resources services for hiring personnel in a timely manner.
2. The limited jurisdiction of the Ombudsman leaves many children without an ally. Most horrendously, children detained or confined at Long Creek Youth Development Center have no one. **LD 1893** would provide those children with a place to bring concerns about their care and safety. The new Child Advocate would have access to the children; visit and inspect their accommodation and care; and advise the agency and policy makers on any necessary changes.

¹ State children's ombudsmen and child advocates are crafted with generally similar statutory language. The titles vary, including in some states: inspector general, citizen aid, etc. Some states have both a child advocate and an ombudsman, with the ombudsman being internal to the agency with less independence than the stand alone advocate.

Maine could have avoided the recent federal Department of Justice lawsuit had there been a proactive resource checking on the children in the custody of the Department of Corrections.

3. Children's voices must be heard at the policy table. **LD 1893** would facilitate a platform for promoting children's interests. Since Logan's death in 2001, the fields that encompass child welfare and juvenile justice have evolved significantly. Public policy followed. Most notably, the federal Families First Prevention Services Act, passed during the first Trump administration, shifted child welfare from reactive to preventive. We are now moving up stream to help children, rather than wait for them to be abused, neglected or adjudicated to pull them out of the deep waters downstream. The Child Advocate would be authorized to take the same approach and advise on preventive strategies and investments in preventive services to keep children out of state systems and home with healthy families. Their advice would be grounded in data collected from concerns received, investigations completed, and the state of the science in meeting children's needs.
4. Private information about children and families must be protected. However, access to it by a trusted source facilitates communications and collaborations that otherwise will not exist. Many children engaged with state services have complicated, multi-agency and provider situations. Confidentiality laws are designed to protect them but they impede collaborative care. I have sat with sometimes 20 people around a table who, in some therapeutic or safety capacity served a child for years but never spoke with the others. When the full story is known, the child's needs are better met. **LD 1893** authorizes the Child Advocate with broad access to information about children while maintaining confidentiality. It would allow the Child Advocate to share that information when it is in the child's interest.
5. The statutory guarantee of protection for people who bring concerns to the Child Advocate in **LD 1893** opens an avenue for bringing concerns from within the system to light. As the Child Advocate in New Hampshire, a significant number of concerns brought to my office came from agency personnel. They ranged from field staff all the way to the highest administrators. Executive branch agencies are driven by executive priorities. Often agency staff are unable to serve children's best interest because resources, policies, staffing and other obstacles are not prioritized by the executive. In trusting relationships based on shared goals, agency personnel can count on the independent Child Advocate to bring forth their concerns about weaknesses in the system serving children, or needed budget allocations that were not prioritized by the executive, without fear of retribution. This is all in the interest of children.

For these reasons and more, I urge you to pass **LD 1893 An Act to Establish an Independent Office of the Child Advocate** on behalf of children. I will stop here and welcome questions you may have.