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Senator, District 17

THE MAINE SENATE
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Testimony of Senator Jeffrey Timberlake
LD 555, "An Act to Create a Separate Department of Child and Family Services"
Committee on Health and Human Services
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Senator Ingwersen, Representative Meyer and Distinguished Members of the Joint Standing Committee on Health and Human Services:

I am Jeff Timberlake and I represent Senate District 17, which includes the towns of Greene, Leeds, Lisbon, Livermore, Livermore Falls, Sabattus, Turner, Fayette, Litchfield and Wales.

It is an honor to be standing before you today to present LD 555, "*An Act to Create a Separate Department of Child and Family Services.*"

I'd like to start with a list of names: Logan Marr, Kendall Chick, Marissa Kennedy, Jaden Harding, Maddox Williams, Hailey Goding, Sylus Melvin, Braxtyn Smith, Jasper Smith. These names were Maine's next generation of children, most of whom had involvement with the Department of Health and Human Services (DHHS) and its Office of Child and Family Services (OCFS) division. These are the names of Maine's children who reportedly died at the hands of their parents.

They and the thousands of Maine children currently involved with the Office of Child and Family Services are why I and my cosponsors of this bill are here today. The direction of Maine's agency in charge of child welfare needs a serious reset because the failure will have serious, deadly results.

This legislation is not new to this committee or the Legislature. I submitted substantially similar legislation last session when it passed the Senate but was ultimately tabled in the other body and died at the conclusion of the 131st Legislature. I am bringing this bill forward again because the underlying problems it seeks to address have not gone away; and the consequences of inaction continue to be devastating.

The subject before you today has been examined for years through prior legislation, audits and extensive work by the Government Oversight Committee and our Office of Program Evaluation and Government Accountability. The failures of the Office of Child and Family Services, its staff, its leadership, and the leadership within DHHS itself are not isolated or recent. They are repeated, systemic and well-documented.

Having spent years on the Government Oversight Committee, I can say without hesitation that few issues have consumed more time and resources and raised serious concern among its members than the shortcomings within this one division of DHHS. Regardless of where members may land on the details of reform, it should be clear to everyone that maintaining the status quo is no longer acceptable.

The problems within this office range from chronic delays and excessive caseloads to the most serious and heartbreaking outcomes imaginable. Children have slipped through the cracks, and some have lost their lives while the state was involved. Just over a week ago, a one-year-old child, Eleanora McLaughlin – another name to add to this sad list – was found dead in Milford while living in a home alongside her siblings with no heat and no running water in the middle of a Maine winter. DHHS was directly involved in that case. That reality should stop every one of us cold. It is unacceptable.

As horrific as this case is, it is not unique. In 2021, 34 died with OCFS involvement. In 2022, that number was 32. Last year, the third-highest year of a dismal record, another 31 died. In fact, more children have died in the past five years than in the previous 13 years combined.

Those numbers are not abstractions. They represent children whose lives might have been saved by a system that could and should function better. As Shawn Yardley, CEO of Lewiston-based Community Concepts, has said, “This is the same conversation we have been having for more than a decade.”

One of the most important responsibilities we have as legislators is the willingness to acknowledge when government structures are failing, even when doing so is uncomfortable. I speak here from personal experience. Under the LePage administration, I sponsored legislation that consolidated the Departments of Agriculture and Forestry. After seeing that structure in practice for several years, it became clear to me that the consolidation created inefficiencies and placed an unrealistic burden on leadership and staff. In hindsight, it was the wrong approach.

That lesson is even more critical in the context of DHHS. By many measures, it is one of the largest and most complex state agencies in the nation. The sheer breadth of programs housed under one department demands an impossible level of expertise, oversight, and management. This bill is not an indictment of caseworkers or frontline staff. In fact, it recognizes how dedicated professionals are being set up to fail by excessive caseloads, unclear lines of authority, and policies that are disconnected from on-the-ground realities. If we want better outcomes for children, we also need to give workers the structure, leadership, and support they need to do their jobs well.

The late Bill Diamond, a former secretary of state and our colleague as state senator, worked tirelessly to bring attention to these issues, both through prior legislation and his work with Walk a Mile in Their Shoes. His advocacy helped shine a light on failures many would rather ignore. I believe passing this legislation – his legislation – would honor that work and move the state in the direction he fought for. Even within DHHS, there is an acknowledgment that the current structure is not working, and meaningful change is needed.

We’re not reinventing the wheel here, either. Indiana, New Jersey, Tennessee, Georgia and Wisconsin have all successfully implemented a separate department dedicated exclusively to children, youth and families. Washington State did it in 2019. And just last year Minnesota was the latest state to join the effort of elevating children and family issues to a cabinet-level department.

The reasons for doing so are common among all of the states that have chosen this path:

1. It was a way to change the culture, transparency and accountability for these critical functions.
2. It was a way to amplify resources and promote the importance of children and families.

3. It served the purpose to consolidate services and implement stronger leadership through a gubernatorial cabinet position.

Our efforts to reform the delivery of services to children and families shouldn't stop there. We need family court reforms, the development of an Ombudsman for Foster Families to investigate retaliation, and an auditor or inspector general answerable to the Legislature – not the Executive Branch – to ensure that accountability and transparency.

I will close by emphasizing the opportunity before us. This bill represents a chance for a significant bipartisan accomplishment focused on an issue that should rise above politics. At a time when divisions seem to be growing deeper at every level of government, protecting the safety and well-being of vulnerable children should be common ground.

Before you is a detailed roadmap to accomplish this Herculean task. Other states have done this successfully. We can do this as well.

I urge you to help move this legislation across the finish line and to do right by Maine's children. If we cannot be trusted to get this right, then we should ask ourselves what, exactly, are we here to do.

Thank you for your time and consideration.