

# **An Act to Establish Independent Oversight, Accountability, and Child & Family Safety Reform within Maine's Health and Human Services System**

**Be it enacted by the People of the State of Maine as follows:**

## **Section 1. Short Title**

This Act shall be known as the Maine DHHS Reform, Accountability, and Child & Family Safety Act.

## **Section 2. Purpose and Legislative Findings**

The Legislature finds that protecting children and families is a fundamental duty of the State. Public confidence in the Department of Health and Human Services (DHHS) has been undermined by repeated failures, lack of transparency, and insufficient accountability. Oversight mechanisms housed within or dependent upon DHHS lack the independence necessary to identify, investigate, and correct systemic failures. The purpose of this Act is to establish independent oversight authority, ensure transparent investigation and accountability, protect whistleblowers, create a statewide Child & Family Safety Commissioner with enforceable authority, and strengthen county-level accountability while preventing political interference.

## **Section 3. Establishment of the Independent DHHS Oversight Committee**

The Independent DHHS Oversight Committee is established as a fully autonomous entity. The Committee shall operate independently of DHHS, the Office of Child and Family Services (OCFS), and all DHHS-controlled agencies, and shall have its own staffing, funding line, and legal authority.

## **Section 4. Powers and Duties of the Oversight Committee**

The Oversight Committee shall have authority to conduct independent audits and systemic reviews of DHHS and OCFS; investigate allegations of misconduct, negligence, retaliation, or systemic failure; subpoena documents and testimony as authorized by law; refer criminal matters directly to the Maine Attorney General; issue public reports and recommendations excluding protected confidential information; and require written responses from DHHS within a specified timeframe.

## **Section 5. Whistleblower Protection**

Any individual who reports suspected misconduct, negligence, or failure shall be protected from retaliation. Retaliation shall constitute grounds for disciplinary action and investigation. The Oversight Committee and the Child & Family Safety Commissioner may independently investigate retaliation claims.

## **Section 6. Establishment of the Office of the Child & Family Safety Commissioner**

There is established the Office of the Child & Family Safety Commissioner, a fully independent statewide office operating entirely separate from DHHS, OCFS, and all related entities. The Office shall not be subject to DHHS supervision, policy direction, or budgetary control.

## **Section 7. Appointment, Term, and Removal of the Commissioner**

The Child & Family Safety Commissioner shall be appointed by the Governor, confirmed by the Legislature, and serve a six-year term. The Commissioner may be removed only for cause, limited to proven misconduct, incapacity, or failure to perform the duties of the office.

## **Section 8. County Child & Family Safety Committees**

A County Child & Family Safety Committee shall be established in each county of the State and shall operate under the authority and supervision of the Child & Family Safety Commissioner. Each County Committee shall consist of nine (9) members: three (3) citizen members selected through an open public application process with no current or recent DHHS or OCFS employment; two (2) members appointed by the Child & Family Safety Commissioner; two (2) members elected countywide in nonpartisan elections; one (1) member appointed by the Attorney General; and one (1) member appointed by the judicial branch, designated by the Chief Justice or designee. Members shall serve three-year terms, staggered initially for continuity, and no member may serve more than two consecutive terms. County Committees may review concerns related to child and family safety and refer individual cases, patterns of concern, or systemic risks directly to the Child & Family Safety Commissioner. The Commissioner may remove any committee member for cause.

## **Section 9. Independent Investigatory Authority**

The Commissioner may initiate investigations independently and without referral or approval from any agency. Investigations may include child safety failures; improper removals or reunifications; suppression, falsification, or destruction of records; retaliation against whistleblowers; and systemic or individual misconduct.

## **Section 10. Criminal Investigations Unit**

The Office of the Child & Family Safety Commissioner shall maintain a Criminal Investigations Unit consisting of no fewer than seven (7) and no more than twelve (12) sworn law enforcement officers operating under the exclusive authority of the Commissioner as a statewide investigative force.

## **Section 11. Coordination with the Independent DHHS Oversight Committee**

The Commissioner and the Oversight Committee shall operate independently but cooperatively, and neither entity shall override or limit the authority of the other.

## **Section 12. Enforcement and Referrals**

The Commissioner may refer criminal matters directly to the Maine Attorney General; refer systemic issues to the Independent DHHS Oversight Committee; recommend administrative, civil, or criminal action; and request emergency intervention when a child's safety is at imminent risk.

## **Section 13. Protection from Interference**

No person, agency, or contractor may interfere with investigations or deny access to records.

Interference shall constitute grounds for investigation, disciplinary action, and potential criminal referral.

**Section 14. Funding**

Funding shall be provided through a dedicated appropriation and shall not be controlled, redirected, or limited by DHHS.

**Section 15. Severability**

If any provision of this Act is held invalid, the remaining provisions shall remain in full force and effect.