

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 support of LD 2001, *An Act to Clarify the Laws Governing Facilities for Children and Adults Under the Health and Human Services Laws*

Sponsor: Senator Ingwersen
Hearing Date: January 14, 2026

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 and I am here today to testify in support of LD 2001, *An Act to Clarify the Laws Governing Facilities for Children and Adults Under the Health and Human Services Laws*.

This bill is intended to update statutes related to the licensing of facilities for children. This bill was brought forward by the Department to address inconsistencies related to licensing that are having a negative impact on the Department's Children's Licensing and Investigation Services (CLIS) Team, licensed providers, or both. It includes five components:

Section 1 of the bill addresses an issue identified for OCFS by OAG that the language of 22 MRSA § 7703 makes the records of an investigation of neglect or abuse by the CLIS team confidential but does not extend that confidentiality beyond the investigation if a finding made by the team is administratively appealed by the provider. OCFS does not believe that it was the intent for confidentiality to be limited to the investigation only and not extend to activities during the administrative review.

Section 2 of the bill corrects an oversight in the work done by OCFS and the Legislature in 2023 when An Act Regarding Investigations of Out-of-home Child Abuse and Neglect (PL 2023, c. 248) was enacted and relocated the statutes for investigation of out-of-home child abuse and neglect to the Child and Family Services and Child Protection Act. Thus, this change provides the confidentiality of both provider and client information throughout any proceedings that might follow the finding.

Section 3 of the bill corrects a recently identified issue with changes enacted in 2019 in An Act to Increase the Availability of Foster Homes (PL 2019, c. 444). That bill sought to eliminate the requirement that resource (also known as foster) homes be subject to a State Fire Marshal inspection. It was OCFS' intent at the time that the exception to this requirement would extend to all resource homes, but it has become clear that there is more specificity needed to the language of the statute in order to appropriately effectuate that intent.

Section 4 of the bill removes an outdated reference to a statutory requirement for interagency licensing that no longer occurs between DHHS and DOE because each entity conducts their own independent licensing and approval process for any providers that cross-over into the authority of both Departments, ensuring equity for all providers and safety for children regardless of the setting.

Section 5 of the bill removes another outdated reference, this time to a licensing requirement specific only to child care providers licensed as nursery schools, that requires they provide a declaration from a licensed medical provider at least every two years that certifies that the administrator or another staff member of the nursery school is “free from communicable disease”. This requirement is not present in the license statute for any other type of licensed child care provider, which results in an undue burden to just one type of licensed child care provider.

OCFS is asking for your support in addressing these issues to best streamline the operations for our talented and dedicated CLIS team, as well as for child welfare as OCFS seeks the continued removal of barriers to licensing as a resource home just as was intended by the 2019 bill.

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.