

Janet T. Mills
Governor

Jeanne M. Lambrew, Ph.D.
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) 624-5553

February 18, 2022

Senator Susan Deschambault, Chair
Representative Charlotte Warren, Chair
Members, Joint Standing Committee on Criminal Justice and Public Safety
100 State House Station
Augusta, ME 04333-0100

Re: LD 1721 – An Act Regarding Dignity for Women in Correctional Facilities

Senator Deschambault, Representative Warren, and Members of the Joint Standing Committee on Criminal Justice and Public Safety:

This letter is to provide you with information regarding LD 1721, An Act Regarding Dignity for Women in Correctional Facilities. The Office of Child and Family Services (OCFS) seeks to reunify children with their parents whenever safely possible. OCFS recognizes that in some cases incarceration of a parent may hinder that goal and are in support of efforts to minimize barriers and increase transparency regarding children involved with child welfare who have an incarcerated parent or caregiver.

OCFS does request clarification around language in the bill. The bill as currently written requires OCFS to provide “case specifics” of children served by OCFS. Case-specific information in child welfare is confidential per state and federal statute. OCFS can provide aggregate data on the number of children in care and the status of their case in terms of reunification, cease reunification, and post-termination/adoption. Furthermore, OCFS would request that the bill’s language be narrowed from “children served by the Office of Child and Family Services” to children served by child protective services. OCFS believes clarification is also needed in the section of the bill that would require OCFS to report on “the number of *cases* of abuse and neglect that were not opened for assessment”. We believe the term “cases” should be changed to “reports” since the term “case” generally refers to more intensive involvement with a family following the completion of an assessment or investigation. Lastly, OCFS would like clarification regarding a portion of Section 11 of the bill which requires the Department of Corrections to adopt rules, specifically the language which would require “information on the relevance of that contact to the family reunification provisions of Maine Revised Statutes, Title 22, section 4041. OCFS is likely to work in collaboration with DOC on this portion of the required rules and would want to ensure we are meeting the expectations of the bill sponsor and this Committee with regard to this requirement.

In addition, OCFs would like to confirm our understanding regarding requirements for reporting on children with an incarcerated parent or caregiver. This is a population that can be quite transient, and an individual may be incarcerated for a short period of time. OCFS can only report data on those parents and caregivers who are known to be incarcerated. OCFS currently provides

a monthly report to the Legislature under 22 MRSA §4003(5) and can incorporate additional reporting of aggregated data regarding children with a parent or caregiver who is known to the Department to be incarcerated.

OCFS appreciates your consideration of these comments as you consider LD 1721. If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Todd A. Landry". The signature is written in dark ink and is positioned above the typed name.

Dr. Todd A. Landry
Director, Office of Child and Family Services