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Testimony of Sen. Bill Diamond introducing
LD 1263, An Act To Create a Separate Department of Child and Family Services

Senator Claxton, Representative Meyer, and honorable members of the Health and Human Services Committee, I'm Sen. Bill Diamond – Dist. 26 and sponsor of LD 1263, An Act To Create a Separate Department of Child & Family Services.

This bill creates a new Dept. of Child & Family Services by transferring the functions of the DHHS that relate to child and family services and child welfare to the new department. The Dept. of Child and Family Services will have a commissioner appointed by the Governor. The bill also establishes provisions for transferring functions to the new department.

I've been working on child abuse and child protection issues for the past 20 years. And over those 20 years one thing has become painfully obvious – the functioning of the OCFS, under the supervision and direction of the DHHS, has demonstrated repeatedly the need for a basic structural change.

The OCFS needs to rise to the level of an independent agency separate from DHHS. Simply put, the Dept. is so large and complex and has so many serious challenges that it cannot properly oversee the many needs of the OCFS, at least to the level required to fully protect children in their care.

My involvement in seeking solutions to child neglect and abuse started in 2001. It was January 31, when 5-year-old Logan Marr was found dead in her foster mother's basement where she died alone of asphyxiation. Police found over 40 feet of duct tape wrapped around Logan's body including her head, face and her mouth several times and then duct taped her in a highchair and was left alone in the basement. The highchair fell over with Logan duct taped in it and she died slowly, according to the police. The foster mother, Sally Schofield, was found guilty of manslaughter and served 17 years in prison.

This was a heart-wrenching tragedy as have been several other child deaths including cases of torture and sexual abuse. At that time in 2001 DHHS declared that they would "fix the problem."

20 years later and not much has changed.

We all heard the gruesome details of the beatings and eventual murder of 4-year-old Kendall Chick in Wiscasset in December 2017.

Kendall was beaten to death by her grandfather's girlfriend, Shawna Gatto, who was found guilty of Depraved Indifference Murder. The state had placed Kendall with her grandfather after removing her from her mother's responsibility due to concerns for Kendall's safety.

Marissa Kennedy, a 10-year-old from Stockton Springs, was tortured, beaten and sexually assaulted almost daily for several months before she finally died. Her stepfather, Julio Carillo, and mother, Sharon (Kennedy) Carillo, were also found guilty of Depraved Indifference Murder.

I attended all three of those trials and their sentencing hearings as well. What became painfully obvious throughout the trials were the failures of the very agencies that were supposed to protect these children and instead failed them resulting in their deaths.

Following those two horrible murders DHHS again said how they would “fix the problem.” It’s been 20 years including four administrations with at least seven different commissioners of “fixes” and we all should be worried that there’s a good chance kids are still not being protected properly.

We can’t forget the many other children who have died while in state care. Names like JAXSON HOPKINS – 7 WEEKS OLD, MURDERED; QUINTEN LEAVITT – 14 MONTHS OLD, MURDERED; KLOE HAWKSLEY 2-YEARS-OLD, MURDERED and so many more. A report issued in 2017 stated that at least 22 children died after the state had received reports of abuse on each child prior to their death.

Remember, it’s only when kids die that we hear all of the details of abuse and neglect and then we all feel terrible again.

As Shawn Yardley, CEO of the Lewiston-based Community Concepts, said two years ago regarding the ongoing failures to fix the child protection system, this is the “same conversation we’ve had for 10, even 12 years.”

The Maine Child Welfare Services Ombudsman’s 2020 Annual Report reveals several serious problems within the OCFS. I want to emphasize that the problems are not because of individuals, for example, often times caseworkers are overwhelmed with backlogs and a lack of time, proper support and resources to do their jobs properly. It’s the structure that’s the problem.

The Ombudsman report reveals several specific concerns within the operation of the OCFS and lists categories where OCFS still continues to struggle.

Summary:

The Ombudsman 2020 Annual Report clearly illustrates the need for substantial reorganization and improvement within the OCFS and at the same time acknowledges the difficulties the office faces given the lack of appropriate resources and staff training.

As of September 30, 2020, there were 2,362 children in state custody, an increase of 164 from the same date in 2019.

These numbers along with the Ombudsman’s neutral objective assessments of concerns illustrate the obvious necessity for a structural change in the way we protect and support the children in state care.

We simply cannot continue to go on accepting the status quo. We have a responsibility to assume the leadership required to change the course we currently take to protect our children.

I guarantee that when the next child is murdered or dies due to neglect and abuse, we all of course, will feel terrible and we’ll pledge to “fix the problem” – because that’s what we do.