



SEN. CRAIG V. HICKMAN, SENATE CHAIR
REP. JESSICA FAY, HOUSE CHAIR

MEMBERS:

SEN. LISA KEIM
SEN. MIKE TIPPING
SEN. RICHARD BENNETT
SEN. JILL C. DUSON
SEN. JEFFREY TIMBERLAKE
REP. AMY ARATA
REP. H. SAWIN MILLETT, JR.
REP. MARK BLIER
REP. ANNE MARIE MASTRACCIO
REP. MARGARET M. O'NEIL

MAINE STATE LEGISLATURE
GOVERNMENT OVERSIGHT COMMITTEE

MEETING SUMMARY
November 8, 2023

Call to Order

The Chair, Sen. Hickman, called the Government Oversight Committee to order at 9:30 a.m.

ATTENDANCE

Senators: Sen. Hickman, Sen. Tipping, Sen. Timberlake, Sen. Keim, Sen. Bennett
Absent: Sen. Duson

Representatives: Rep. Fay, Rep. Millett, Rep. O'Neil, Rep. Mastraccio, Rep. Blier, Rep. Arata

Legislative Staff: Peter Schleck, Director, OPEGA
Sabrina Carey, Secretary, OPEGA

Others:

Introduction of Committee Members

The members of the Committee introduced themselves.

New Business

(To watch this meeting - the recorded Live Stream can be viewed here: <https://legislature.maine.gov/Audio/#220>)

- **Meeting Summary – October 18, 2023**

(A copy of this document can be found here: <https://legislature.maine.gov/doc/10407>)

The October 18, 2023 Meeting Summary was accepted as written.

- **Child Protection – Frontline Perspectives**

(A copy of the written comments from this section can be found here: <https://legislature.maine.gov/doc/10439>)

Maureen Cote – (pg.1 of written comments) current Adoption Caseworker, District 2 OCFS, 5 years

Her testimony starts at 9:39 am in the Live Stream video linked above. Committee members noted from her testimony that high workload seems to be a common issue that stems from the high number of vacancies within the offices.

Sen. Hickman noted the field training position proposal that she submitted to supervisors and asked how long it had been since that submission. Ms. Cote explained it had been a year and a half with no follow up. She emphasized that more help in the field would be better to aid new caseworkers and help them be more comfortable with making decisions early on in their careers. Ms. Cote shared that the turnover rate between caseworkers on a case can be anywhere from two to six people which also leads to communication errors between the changing of the workers. Ms. Cote explained that there is no training on how to handle or protect themselves from physical abuse from the child in distress and how to keep themselves and the children safe in those difficult circumstances. She also mentioned times of sitting in hospital rooms with children with no computer or phone due to hospital policy and needing to approve of medical decisions for children although not having any sort of medical degree.

Rep. Blier asked if she thought that the movement of the Department has been positive or negative within the five years she has worked there. Ms. Cote answered that it seems to be negative.

Rep. Mastraccio asked about overtime and if it was optional. Ms. Cote stated that it was not optional and that she often used to be out working hours past 5:00 pm multiple nights a week.

Sen. Keim asked about new cases being added to workload and if they were allowed to say no if their schedule was too full. Ms. Cote answered that there is no option, it is just added to the caseworker's books.

Diane McGonagle – retired and rehired part-time, current Adoption Caseworker, District 2 OCFS, has worked for DHHS since 2000

Her testimony starts at 10:54 am in the Live Stream video linked above. Ms. McGonagle noted that within the office individual units seem connected but not the office as a whole. She echoed Ms. Cote's suggestion for a training unit as the two investigations guided by the supervisor are not enough to prepare workers for the work. Ms. McGonagle suggested a safe house of sorts to house children instead of putting them in hotels.

Rep. Fay asked about the Structured Decision-Making Tool and wondered if there is a human piece that the computer is missing. She asked if there was a way to override a decision and what that process is like. Ms. McGonagle answered that she had not used the tool in a few years but recalled that if it was marginal, one could talk to their supervisor to override a decision. She noted that the overtime list schedule for covering hotels is a detriment to the job as it takes away the workers freedom of scheduling their personal lives.

Mindy Bard – previous Permanency and Assessment Caseworker, District 2 OCFS, 3 years

Her testimony starts at 11:28 am in the Live Stream video linked above. Ms. Bard emphasized that hoteling of the children is a huge barrier to Caseworkers being able to find a happy work/life balance. She explained that the caseworkers switch out every four hours so it becomes extremely confusing for the children who have just been pulled from their homes and emphasized that it must not be healthy. She noted that the hotel shift is on top of the normal 8-5, 40-hour work week, so having a child in a hotel is additionally tiresome. She noted an example where a nonverbal child had been placed in a hotel for around 3 months and explained that it was not easy to manage as they have no training in handling aggressive child behaviors. She hoped there could be an alternative solution to hoteling children. She also emphasized that turnover was incredible and not acceptable to keep sustaining when there is no focus on retention.

Rep. Mastraccio asked Ms. Bard why she left the Department. Ms. Bard answered that the work/life balance was not feasible for her family to continue working as a Caseworker. She noted that the overnights are often used by Caseworkers to get caught up on paperwork because they are often behind due to the high workloads. Sen. Hickman asked if she thought additional staff to help take administrative tasks off the Caseworker would be helpful. Ms. Bard answered that it would be an essential piece as Caseworkers are trying to fill too many roles so having someone designated to complete all the legal stuff would be fantastic.

Sara Ament – current Permanency Caseworker, District 5 OCFS, 2 years

Her testimony starts at 11:51 am in the Live Stream video linked above. Ms. Ament joked that being part of OCFS staff for 2 years makes her a veteran staffer and emphasized that she has seen more people leave than stay in the job. She stated that she would love to retire as a Caseworker but did not know if that was in her future due to how taxing the job is. She explained that she is expected to meet with every family member no matter how far away they live. She mentioned that sometimes they need to wait and call for another caseworker to come help transport children from the home if there are too many to fit in her personal vehicle. She compared the work during the reunification process to herding cats and noted the wait times for services after referrals is counterproductive to the process that has deadlines. She noted that she has cases that have filed terminations from February that still do not have a court date and that until a judge grants the termination, the Department staff are required by policy to still offer reunification services.

Sen. Timberlake asked about the involvement of upper management within the normal day to day processes. Ms. Ament answered that she is so busy that she can only focus on her relationship with the immediate supervisory level and that's the full extent of her engagement with management. Sen. Timberlake also asked about whether they work with designated attorneys. Ms. Ament answered that they have two Assistant Attorney Generals that are assigned to their Department.

Rep. Fay asked if it is the AAG's who do the court prep. Ms. Ament answered that the caseworkers are preparing the subpoenas and petitions, and gather all records to then give to the legal team to assess and prepare themselves with. She noted that the important decisions are made in consultation with the Supervisor so that helps the Caseworkers feel supported but that is a lot for the Supervisors to be tasked with when they also have their own personal caseload. She noted a third-party contractor through Spurwink that are on call through the weekends to talk to a professional about the things dealt with on the job but noted that a therapist can only help so much when the issue stems from the workload being so heavy.

Sen. Bennett asked about changes that would help keep Caseworkers. Ms. Ament stated that more money would help ease the work/life balance issue and hire more staff.

Rep. Fay asked what would she suggested as a preventative plan to help families. Ms. Ament stated that she would focus on substance abuse and mental health counseling being more readily available for parents to actually use those resources instead of being on a waitlist for months at a time.

Rep. Millett asked about a policy that would allow Supervisors to grant people time off for consistently working beyond normal hours. Ms. Ament answered that she did not think such a policy existed. She noted that the problem is that Caseworkers struggle to take time off because there is so much to do that it is more stressful to take the time than to just work through it.

Honorable Sen. Michael E. Carpenter – Former Attorney General, Senator, Representative, current Guardian Ad Litem

His testimony starts at 2:15 pm in the Live Stream video linked above. Mr. Carpenter explained that he has been doing Guardian Ad Litem work exclusively in the field of law for the last 15 out of 20 years. He mentioned ACEs (Adverse Childhood Experiences) and noted that these experiences mark and harm children for life. He noted having many cases where the child will experience multiple ACEs a week where there is chaos and dysfunction, fighting, domestic violence, drugs and neglect. He shared that kids that have severe ACEs have their lives practically destroyed before mid-teen ages. He wanted to bring attention to the statute that defines the terms the court uses related to removing a child due to serious injury or serious harm that are inconsistent in the use of the word 'immediate'. Mr. Carpenter suggested that those children that fit into the serious harm category are harder to prove. He suggested legislation to change the word 'immediate' to 'significant'. He shared that out of the cases he has, nearing one hundred kids, only twenty percent would probably reunify with their parents and the rest will become permanency guardianships or have parental rights terminated and be adopted. He noted that he has had returning cases after reunification and suggested better follow up care after the children go back home so that they don't repeat the process. Sen. Hickman suggested that potentially separating the terms abuse and neglect in statute might help with clarity. Mr. Carpenter agreed with that notion.

Rochelle Kadema – resigning Caseworker, District 3 OCFS, less than 1 year.

Her testimony starts at 2:38 pm in the Live Stream video linked above. Ms. Kadema noted that immediate risk is the key term she hears a lot at work. If it cannot be proven, the kids stay or go back home. She noted an example of a case where the Caseworker got a call from the school that the small child was crying to the school staff to ask the Caseworker to not make the child go back home, but there's nothing the Department can do in that scenario. She noted that sometimes Permanency Caseworkers are responsible for doing Investigations when it comes up within their case. She noted her term 'voluntold' for overtime and hoteling shifts. She stated that on the court side of things the Caseworker is essentially the paralegal and is expected to request and collect all records and consult medical experts. She spoke about the overtime list, where she purposefully decided to volunteer for overtime during her Foundations training to bump herself back on the list prior to actually entering the field, because Caseworkers still in the Foundations training are not required to do any overtime. She mentioned many scenarios similar to those explained by the previous testifiers. She noted that Katahdin is a horrendous program to work with that is clunky, not organized well, and lacked consistency between Caseworkers on locale of documents.

Rep. Fay asked if the program was missing things or needed fixes, if it has improved at all in her time with the Department and what her potential solutions would be. Ms. Kadema answered that there was definitely room for improvement. She stated that it is clear that during the creation of the program Caseworkers were not included in the conversation around what would be helpful and work better for them to do their jobs.

Sen. Hickman asked about her interview process and if she was told anything that did not turn out to be true. Ms. Kadema explained that she felt the attitude around her application and hiring process was negative as the Department stated that if they were not interested she would not hear back. She felt that was opposite of the energy of the Department stating that they were hungry for staff. Sen. Hickman asked if Ms. Kadema had been interviewed by the retention specialist about her resignation and asked for her reasons for leaving. Ms. Kadema answered no and explained that she started working so her husband could rehab from an injury, and after running the numbers to pay for Health Insurance, it made more sense for her family to not continue. She noted that she was not aware of the cost of the benefits when she was first hired, but that it came down to a financial decision. She added that she was staying on the overtime list to voluntarily pick up shifts when possible, and that she worked really hard to keep some sort of position with the Department but it did not work out.

Two other frontline workers submitted written comments but could not stay to speak. Their statements can be found within the link above.

Director's Report

Director Schleck explained that the next meeting would be the presentation of the third CPS Case File Review (Jaden Harding), and the following meeting two weeks later would be the Public Hearing on that Report.

Next GOC meeting date and planning

The next GOC meeting will be on November 15, 2023 at 9:30 AM.

Unfinished Business

None.

Adjourn

The Chair, Sen. Hickman, adjourned the Government Oversight Committee meeting at 4:08 PM on a motion by Sen. Timberlake, Second by Rep. Fay.