



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 15, 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
Sen. Duson

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

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

Others: Bobbi Johnson, Associate Director, OCFS, DHHS
Molly Bogart, Director of Government Relations, DHHS

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 – November 1, 2023**

(A copy of this document can be found here: <https://legislature.maine.gov/doc/10456>)

The November 1, 2023 Meeting Summary was accepted as written.

- **OPEGA Report: Review of OCFS Case File 3 of 4 (Jaden Harding)**

(A copy of the Report can be found here: <https://legislature.maine.gov/doc/10422>)

Director Schleck presented the Report to the Committee.

(To watch the entire Report presentation please use the Live Stream link above)

Sen. Hickman asked if the Department has taken any further interest in ensuring that Ms. Hartley's other children are safe following Jaden Harding's death.

Director Schleck shared that in the criminal proceedings for Ronald Harding, Ms. Hartley's victim statement read that she had lost custody of her three other children. He clarified that if that had not been stated publicly in court, he would not have that information.

Sen. Timberlake asked about the process for when a mother keeps birthing drug affected babies.

Director Schleck answered that there were multiple children in the family born drug affected and stated that each child is a sort of reset button where the process starts over again. He suggested this may be related to a section of the statute where the Committee could focus on deciding whether to introduce additional supports or interventions as a parent becomes a "repeat offender".

Rep. Fay asked for more information in the future regarding the timeline of caseworkers and supervisors working with the family. She also asked if the Director knew when the Department switched from MACWIS to Katahdin.

Director Schleck answered that she should ask the Department that question.

Sen. Duson wondered to what extent the standard operating procedures of the system can be relied upon. She wondered what systems there are at the next level for managers to be coaching and what support is built into the system. She mentioned a lack of confidence that the system can adjust itself enough to take in all the details and provide a high-quality set of services. She wondered how things could be done differently so that kids being reunified can be proven to be safe.

Sen. Hickman invited the Department representatives Bobbi Johnson and Molly Bogart to join the committee discussion.

Ms. Bogart and Ms. Johnson introduced themselves and accepted questions from the Committee.

Sen. Bennett stated that he would prefer to speak with the Office of Child and Family Services Director, Todd Landry.

Rep. Fay agreed that request seemed appropriate. She asked when the Department transitioned from MACWIS to Katahdin and wanted clarification on whether this case had encompassed both systems.

Ms. Johnson answered that Katahdin was implemented in January of 2022, so this family's history would have all been in the MACWIS system.

Rep. Fay asked about any potential domestic violence training, what it looks like and how comprehensive it is.

Ms. Johnson answered that staff are introduced to the concept of domestic abuse and violence in the OCFS Foundations Training. She noted there is additional training outside of that, with a new licensing requirement that any social workers are required to have 12-16 hours of domestic violence specific training. Ms. Johnson also added that the Department had recently updated their Domestic Abuse and Violence Policy and updated the protocols related to how to respond when a domestic abuse or violence is present.

Rep. Fay clarified that she was also curious about the resources available for victims of domestic violence as they are interacting in a child protective capacity.

Ms. Johnson answered that there is a domestic violence advocate located in each office that are employees of the Domestic Violence Resource Centers throughout the state. She shared that when DV is identified as a factor, they develop plans for intervention as it might be different than intervening in a traditional case.

Rep. Mastraccio asked if the Department has any data that indicates how many families that are currently under investigation by the department have been generationally involved with the Department.

Ms. Johnson stated she would need to figure out if they have any data of that kind.

Sen. Bennett referred to Rep. Fay's question about DV Training and asked Ms. Johnson's opinion on whether that policy is working and adequate.

Ms. Johnson answered that she believed the training and policy guidance is adequate for staff but there are some areas that staff need ongoing training around DV which would be one of those to have refresher trainings on every year. She noted that the Maine Coalition to End Domestic Violence provides staff with the training, but that it is required by the Board of Social Work Licensing.

Sen. Duson asked if there was information on sexual abuse within those trainings or if there was a separate category of training for that topic.

Ms. Johnson answered that there is a part of the Foundations training that touches on the subject. She also noted that the Department partners with the Maine Coalition Against Sexual Assault which is a place where there are forensic interviews of children that are completed when there are allegations of Child Sexual Abuse. She noted that it is intended to be a trauma informed process for the child and the District Attorney's Office, Law Enforcement and the Department all come together for the interview that is conducted.

Rep. Fay asked about Department Case Aides and if there were enough of those positions filled and whether that staff position has been used as envisioned.

Ms. Johnson answered that she would be able to get that information back to the Committee.

- **Child Protection – Frontline Perspectives**

(To watch the full section of please use the Live Stream link above)

Bethany Fournier – Resource Parent, Occupational Therapist and Executive Director of the Nonprofit Nanna's House

Her testimony starts at 1:23 PM in the meeting Live Stream. Ms. Fournier shared with the Committee her experiences working within a school district, and as a Foster Parent. She shared information on her nonprofit, Nanna's House, that aims to help ease the transition for children being placed into Foster Care. She hoped to create a home-style environment that a caseworker could bring a child to, and stated the nonprofit has a house ready to go but the Department responded by saying they did not think the idea was something that was needed or valuable. Sen. Keim asked what district her nonprofit works with. Ms. Fournier answered District 2, the Portland office. Rep. Arata stated that she had heard of this type of suggestion being used in other states and wondered why the Department would not be interested in it.

Masha Rogers – Retired CASA Guardian Ad Litem, District 7 + Foster Parent

Her testimony starts at 1:38 PM in the meeting Live Stream. Ms. Rogers shared her experiences with working with families as a Guardian Ad Litem (GAL) and as a Foster Parent. She noted times where a child who was not treated for the trauma of Foster Care had bad behaviors come out years later that affected their schooling abilities. She hoped that there could be plans for these children in the future to give them tools before the change of behavior happens to help prevent a negative outcome. Sen. Bennett stated that he appreciated her proactive suggestions in trying to help families sooner. Sen. Keim asked the Director for more information on how many of the Department staff still are working from home.

Sandra Hodge – Founding member of the Child Death and Serious Injury Review Panel, past Program Specialist for the Child Protective Services central office.

Her testimony starts at 1:57 PM in the meeting Live Stream. Ms. Hodge explained that the Child Death and Serious Injury Review Panel started as a mission to bring together the communities and resources within the state to bear on the issue of Child Abuse and Neglect. She added that there was a wonderful reservoir of information and experience that needs to be tapped. Sen. Bennett asked Ms. Hodge's opinion on the suggestion that the Office of Child and Family Services be separated from the Department of Health and Human Services. Ms. Hodge answered that there would probably be plenty of both benefits and disadvantages to that choice. Sen. Timberlake asked what her thoughts were on the Family First Reunification Act. Ms. Hodge answered that she thought it could be a concern because reunifying just to reunify, is not helpful to the children or the families. She thought that this concept put the safety of the child behind the issue of family preservation. Sen. Timberlake asked if she knew if every state focused the same way on family reunification. Ms. Hodge answered that there are federal requirements that control the agencies across the nation and keeping families together is a goal.

Kerry Hewson – CASA Guardian Ad Litem + School Nurse

Her testimony starts at 2:11 PM in the meeting Live Stream. Ms. Hewson shared her experiences as a CASA GAL and a School Nurse. She shared disappointment in Maine for not asking for more grants to fund more resources for children within the schools. She suggested implementing a less complicated system so that it is easier for staff to collect data and easier for people to receive more resources.

MaryAnne Spearin – Superintendent of Schools, Washington County

Her testimony starts at 2:24 PM in the meeting Live Stream. Ms. Spearin shared her experiences with children as a middle and high school principal for 10 years. She stated that the system's inadequate support of the health and wellness of the students and families makes educating those children more difficult when the basic needs of those kids are not being met. She noted families being on wait lists for services for over a year's time. She added that another area of concern would be the lack of communication between the Department and the school systems as it is a disjointed system of services for the greatest at-risk students. She stated that calling the report line sometimes does not bring fast enough results when a child is fearful of going home from school, so the school has started resorting to directly calling known caseworkers to ask for someone come help. She strongly felt that the Department and the schools should work together in a collaborative way to figure out solutions for these students. She mentioned having responses while reporting stating that the children were too old to be helped and thought it was wrong to suggest that kids of legal dropout age are past the cutoff for help. Rep. Mastraccio asked Ms. Spearin about her opinion on other states requiring kids to be in school and placing fines on parents who don't comply. Ms. Spearin liked the idea of having stronger reinforcements of making sure children are getting to school. Rep. Fay asked for clarification on whether Ms. Spearin is making reports using the mandated reporter line. Ms. Spearin answered that she has used the helpline to make those calls but reiterated that sometimes they have to make the local calls to get something to happen as the helpline has not seemed to be helpful. Rep. Fay asked what Ms. Spearin thought would be a solution to the communication gap. Ms. Spearin answered that she was unsure of the structure of how the screening pipeline works. Sen. Timberlake asked if it seems like the Caseworkers that she has worked with are getting the help they need to do the work. Ms. Spearin answered that it seems they are in survival mode. Sen. Timberlake asked if there

was any sort of response back when school staff make a report. Ms. Spearin answered that responses were few and far between unless she called again. Sen. Bennett asked for Ms. Spearin's criteria for the additional outreach past the hotline. Ms. Spearin stated that if it was something that was not immediate she would let the report process take place, but if it seemed like it needed immediate attention and they had not heard back by the end of that school day, they would pull all resources to figure out how to proceed.

Stacey Henson-Drake – Investigations Caseworker, District 3 OCFS

Her testimony starts at 2:54 PM in the meeting Live Stream. She shared some statistics on her district being high in numbers of cases, crime and child deaths or serious injuries. She noted that there were multiple children within her district that have been housed in hotels for months requiring tons of mandatory overtime to staff the overnight hours. Sen. Bennett asked Ms. Henson-Drake why there seems to be so much turnover within the office positions. Ms. Henson-Drake answered that the starting pay for case aides is less than that of Burger King and that it was hard to find qualified workforce at such an abysmal hourly rate. She stated that the pay of the caseworkers is okay but that it is the work life balance that makes it hard to keep the job. Sen. Timberlake asked if she thought the communication within the Department from leadership down was good. Ms. Henson-Drake answered that her local office communication was good, but that she had only met the Director Todd Landry twice. She noted there was no communication about what the states planning to alleviate some of the burden. Sen. Timberlake asked how long she had been with the Department. Ms. Henson-Drake answered since 2021, which makes her a veteran staffer. Sen. Keim thanked Ms. Henson-Drake for her work as the District 3 office covers part of the Senator's towns of representation.

Priscilla Girard – Guardian Ad Litem + LCSW

Her testimony starts at 3:13 PM in the meeting Live Stream. She shared her experiences as a GAL and her expertise of providing clinical assessments and expert witnessing for the Department processing the trauma that children have gone through. Sen. Hickman asked if it was fair to say that there is a shortage of people who are able to be GALs in cases before the Department and that she thinks the shortage could be addressed if people who were only clinicians but knew the system were able to take certain cases. Ms. Girard answered yes, that there should not be a separation between taking probate cases compared to taking CPS cases.

Director's Report

Director Schleck reminded the Committee that the next meeting would be holding the Public Hearing on the OPEGA Report: Review of OCFS Case File 3 of 4 (Jaden Harding) presented earlier in the meeting. He also reminded that the oral argument for the Law Court case GOC v. Lambrew was scheduled for December 6, 2023 at 11:30 AM at the Capitol Judicial Center and they should be expecting a decision from the judge regarding the matter. He shared that the OPEGA Tax team had worked with the Taxation Committee to catch them up on Tax Expenditure Review backlog.

Next GOC meeting date and planning

The next GOC meeting will be on November 29, 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.