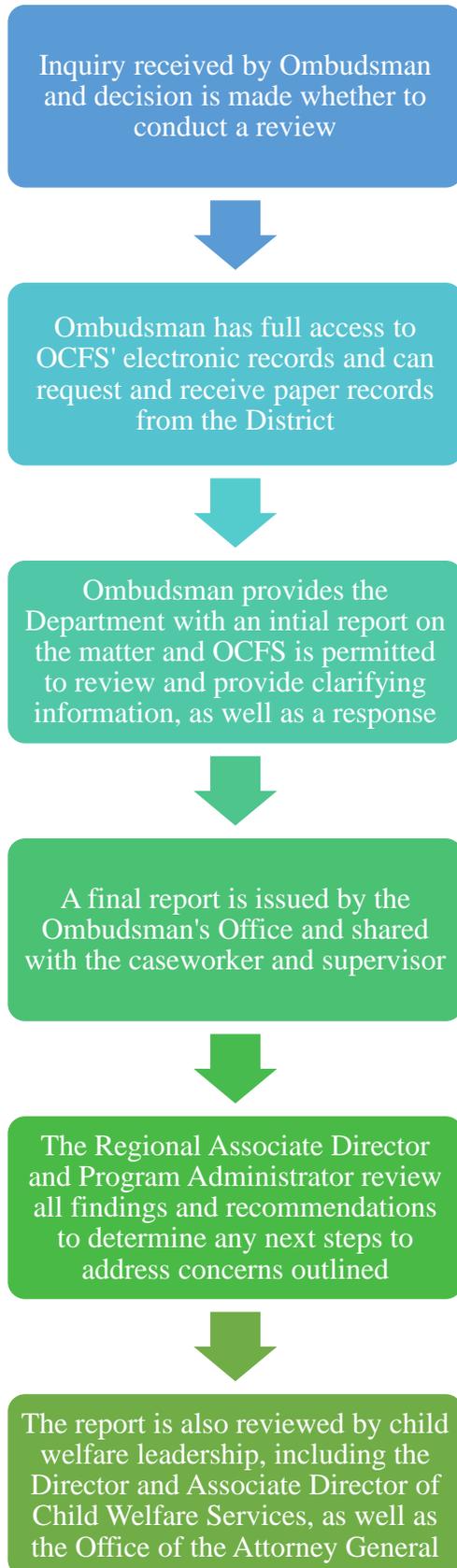


Response to the Maine Child Welfare Ombudsman's 2023 Annual Report

January 2, 2024

Maine Department of Health and Human Services

Office of Child and Family Services



The Office of Child and Family Services (OCFS) offers this response to the Maine Child Welfare Ombudsman's annual report for fiscal year 2023. OCFS appreciates the Ombudsman's analysis of the 77 cases reviewed this year. During this period, OCFS assigned over 9,963 reports and cases for investigation, which involved an average of 2,490 children in care. As always, the information provided by the Ombudsman in this report will influence future policy and practice within OCFS as well as benefit shared efforts to strengthen families and keep children safe.

OCFS and the Ombudsman continue to partner through the case review process. Additionally, the OCFS Director, Acting Director, and Associate Director of Child Welfare Services meet regularly with the Ombudsman and the Chief of the Child Protection Division within the Office of the Attorney General. These meetings provide an opportunity to discuss the various factors that impact policy and practice and determine next steps to ensure the safety of children.

The Ombudsman notes in the annual report that "protecting children from child abuse and neglect is extremely difficult work with limited windows of opportunity to intervene. Ideally, enough services and resources would be available to families so that children are never unsafe." OCFS shares this perspective and Child Welfare staff take seriously the importance of assessing for safety, ensuring thorough investigations, and keeping families and children together only when this can be done safely and timely.

OCFS agrees with the Ombudsman's findings in approximately 60 percent of cases (including both those in which the Ombudsman agreed with the Department's actions and those in which the Ombudsman did not agree with the Department's actions). This is the same as last year. In any review where the Ombudsman disagreed with the Department's decisions and where the case was still open, action was taken to review the investigation or case internally and address any ongoing concerns. The Department continues to use feedback from these case reviews to inform wider systemic changes.

Specific Recommendations

The Ombudsman recommends in four bullets (italicized below) on pages nine and 10 that:

- *The Department must continue to fully support the use of safety science in order to effect positive systemic change. Maine has contracted with Collaborative Safety LLC and begun to use Safety Science to review critical incidents, to improve practice, and determine the systemic and root causes of oversights and erroneous practice decisions. The results of the first year of these types of critical incident reviews have been released by the Department in the Maine Safety Science Model 2022 Report. The Department must take the findings in this, and in future safety science reports, and implement changes based on the outcomes of the safety science reviews. The Department must focus on child welfare practice issues within their own districts that are within their control, such as the need for increased staff training, time pressures affecting decision-making, and difficulties with safety planning.*

OCFS agrees and fully supports the use of the Safety Science Model. Our partnership with Collaborative Safety LLC continues and the process of reviewing cases has been implemented statewide. OCFS has made several changes within the child welfare program to ensure that findings from in the Science Model 2022 Report are being addressed. These include implementing the Supervision Framework and beginning development of a Caseworker Framework, creation of a workgroup focused on potential improvements to safety planning policy and practice, further development of the Children's Emergency Services (CES) After-Hours Unit, and ongoing Katahdin enhancements and training.

- *Continued support and funding for an increase in the availability of services is necessary for the well-being of children and families, prevention of child maltreatment, and for the success of reunification of children with parents. Essentially every case specific review completed this year by the Ombudsman detailed a case and a family that were negatively affected by a lack of services for both children and adults. Mental health services, substance use treatment services, trauma informed services, domestic violence services, housing, and transportation, are all examples of services that that are necessary for the safety and well-being of children.*

The Maine Department of Health and Human Services, including OCFS, remains committed to expanding the availability of services as part of a broader effort to prevent the need for child welfare intervention altogether. To that end, the Department collaborated with the Maine Child Welfare Action Network and community partners across the state to develop Maine's first [Child Safety and Family Wellbeing Plan](#). This plan is focused on providing services to ensure that children are safe within their families and receive support in their communities, which is consistent with the Department's goal to ensure that children and youth have timely access to services in the least restrictive and most appropriate setting. While this work is, and likely will always be, ongoing, OCFS has implemented services to support children in behavioral health crisis in transitioning back home from emergency departments, psychiatric hospitals, crisis stabilization, and residential treatment; used federal funding to develop a Behavioral Health Walk-in pilot with Community Health and Counseling Services in Bangor to provide crisis intervention and stabilization for clients and their families, and implemented enhanced treatment foster care.

Additionally, OCFS has continued to expand the availability of evidence-based services through the Federal Family First Prevention Services Act, including Homebuilders and Parents as Teachers for families at risk of child removal. These programs promote child safety and provide education and outreach to Maine's most vulnerable families across the state.

It is imperative to work with providers to ensure that families affected by substance use disorder, mental health, and/or domestic abuse and violence receive the help they need and that may be required as part of a rehabilitation and reunification plan. There are challenges in obtaining services both within the state of Maine and nationally, regardless of child welfare involvement. Like OCFS, service agencies across the state have been struggling to hire and fill staff vacancies, which has resulted in delays in service initiation for families. However, the Administration is on track to offer pay raises to Executive Branch personnel, including OCFS staff. The recently ratified labor agreements also include increased stipends for child welfare supervisors and caseworkers, which were requested by the State. We also continue to consider additional avenues, such as recruitment and retention payments, to help fill staff vacancies.

- *The Department should explore all possible methods, including statute changes, to provide increased transparency to the legislature and to the public about struggles within and progress towards addressing the complex problems that arise within the child welfare system.*

OCFS strives to provide transparency while also maintaining confidentiality of child protective case records as required by federal and state statute. As the public rightfully has questions and looks for assurance that Maine's children are safe, OCFS works to provide this insight and information within statutory obligations and bounds.

OCFS is governed by [22 MRS, Ch. 1071](#), the Child and Family Services and Child Protection Act. The OCFS Child Welfare Policy Manual is [posted online](#) for access by the public, as well as [several reports specific to child welfare practice](#), including the Child Protective Services Report, Child and Family Services Plans and Reports, Casey Family Programs Review Summary and Recommendations and the Child Fatality Report. The website also houses the Child Welfare Dashboard that provides data regarding the number of children in care, safety of children while in foster care, permanency outcomes and timelines and other information related to OCFS' work with families and children.

OCFS also values the opportunity to participate deeply in several public forums, including the three citizen review panels: the Child Death Serious Injury Review Panel, the Maine Child Welfare Advisory Panel, and the Justice for Children Taskforce. These panels review the policies, practices, and outcomes of child welfare services and make recommendations to improve the system of care.

- *The Department must consider the opinions of outside stakeholders, in both assessing and naming the primary issues in child welfare, but also in providing solutions for those issues. And finally, it is crucial that frontline staff's experiences and opinions are given the utmost consideration and their recommendations are implemented when possible.*

The Department and OCFS agree with the Ombudsman's recommendation, and this is a high priority as the Department seeks new leadership for the Office in 2024. Decisions regarding practice and policy must continue to be informed by staff, families and children, resource parents, community partners, the Ombudsman, and the Legislature. To build effective solutions, all of OCFS' work requires the feedback, support, and partnership of the many individuals and systems devoted to the strength of families and the safety of children. OCFS looks forward to continuing these partnerships and building new relationships.

Conclusion

The Maine Department of Health and Human Services and OCFS agree with many of the Ombudsman's recommendations and appreciates the dedication and advocacy of the Ombudsman and her staff. OCFS looks forward to working together in 2024 to ensure the safety and wellbeing of Maine children and their families.