

Stocco, Janet

From: Matthew Pagnozzi <mpaglaw@gmail.com>
Sent: Wednesday, September 28, 2022 4:18 PM
To: Senft, Samuel; Stocco, Janet
Subject: Written comments on CPS Pilot Program

This message originates from outside the Maine Legislature.

These comments are based on my experience as a Court appointed attorney for parents in Child Protection matters.

1. The Department conducts interviews with parents early in the investigative process. Despite having a DHHS handbook that, as I understand it, details policy and is supposed to be given to parents with initial contact, this handbook is not often given and if it is, the parents are not given any time to read it, nor is the section in the handbook on the right to counsel easy to find as this section is located 30+ pages into the handbook.
2. During these initial interviews by the Department, parents appear to often be given a choice of cooperating and accepting Department intervention or the Department will have to open a legal proceeding against the Parent and often parents indicate some discussion of child removal was part of that discussion.
3. Admissions made by parents without legal representation and under duress of the possibility of losing their child(ren) are then used against parents to open legal action anyway. What appears clear in several instances is that the Department had every intention of proceeding with legal action regardless of the information gathered in this interview - but that is not what is presented to parents.
4. These interviews occur with clients who occasionally have limited faculties or known disabilities, yet Department personnel conduct interviews and solicit answers without any showing of real comprehension on the part of the parent as to what is being alleged and/or what rights they actually have to cooperate. An incredibly vulnerable segment of clients. Additionally, the vast, and I mean vast majority of clients I am eventually assigned to represent are of low economic status - often with limited education levels as well. There can be no doubt in my experience that the clients I represent are far less likely to know their rights prior to a court appointed attorney, and even if they are aware they are not financially able to engage representation until the Department formally files a petition.

Recommendations

While I can certainly appreciate that a pilot program might want to focus on pregnant mothers or situations of domestic violence I would just like to point out that there are lots of third party organizations and support groups for such segments of our population to assist. Likewise, housing instability is rampant throughout those I serve and despite grants, programs and waitlists, there is often nothing realistically available in the way of actual assistance other than passing the buck to a case manager who likewise has no ability to assist in actually obtaining housing. A pilot program applicable to all is more likely to give a true assessment of success or failure.

The level of representation at the early stage may well only need to be requiring the Department worker to clearly explain the Parent's right to counsel before any interviews or questioning occurs and at that same time providing parents with a legal hotline number or legal representative contact person that the parent can then reach out and discuss what their rights are pre-petition. There would need to be an appropriate period of wait time (a few days should suffice) from this initial contact by the Department and any attempts at a subsequent Department interview.

Given the stark differences inherent in geographic location I would think that pilot programs should be rolled out in two separate counties - one southern and one northern.