

# MAINE STATE LEGISLATURE

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# 132nd MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2025

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Legislative Document

No. 1893

H.P. 1264

House of Representatives, May 5, 2025

### An Act to Establish an Independent Office of the Child Advocate

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Received by the Clerk of the House on May 1, 2025. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script, reading "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative GRAMLICH of Old Orchard Beach.  
Cosponsored by Senator BENNETT of Oxford and  
Representatives: ARATA of New Gloucester, BRENNAN of Portland, LEE of Auburn,  
MATHIESON of Kittery, MILLIKEN of Blue Hill, SAYRE of Kennebunk, STOVER of  
Boothbay, Senator: RENY of Lincoln.

1 Be it enacted by the People of the State of Maine as follows:

2 Sec. 1. 5 MRSA Pt. 30-A is enacted to read:

3 PART 30-A

4 CHILD ADVOCATE

5 CHAPTER 625

6 OFFICE OF THE CHILD ADVOCATE

7 §24201. Definitions

8 As used in this chapter, unless the context otherwise indicates, the following terms  
9 have the following meanings.

10 1. Advisory committee. "Advisory committee" means the Advisory Committee to  
11 the Child Advocate established pursuant to section 24208, subsection 1.

12 2. Agency. "Agency" means any department, advisory committee, board, institution,  
13 bureau or office of the State, as well as any other public and private children or youth  
14 service agencies providing services under contract or agreement with an executive agency.

15 3. Child Advocate. "Child Advocate" means the supervisor and administrator of the  
16 Office of the Child Advocate appointed pursuant to section 24203.

17 4. Child or youth. "Child" or "youth" means a person under 21 years of age who is  
18 in the custody of or receiving services from or arranged through an executive agency; who  
19 was in the custody of or received services from or arranged through an executive agency  
20 within the past 3 years; whose siblings or parents or other caretakers have been the subject  
21 of a report to the Department of Health and Human Services, Office of Child and Family  
22 Services within the past 3 years; or who is receiving services from an executive agency.

23 5. Critical incident. "Critical incident" means any incident that may seriously affect  
24 the health and well-being of a child in the custody of or receiving services from or arranged  
25 through an executive agency, including, but not limited to:

26 A. The near fatality or serious bodily or emotional injury of a child;

27 B. A missing child or an abduction of a child;

28 C. Human trafficking of a child, including, but not limited to, labor trafficking, sex  
29 trafficking and the production of child sexual abuse images;

30 D. The death of a parent or guardian of a child;

31 E. Abuse or neglect by a provider of medical, social work or similar services or a client  
32 of the provider;

33 F. A dangerous situation involving a child;

34 G. A medication error by a provider of medical, social work or similar services  
35 involving a child;

1 H. A rights violation by a provider of medical, social work or similar services  
2 involving a child;

3 I. An accident involving executive agency staff and a child, parent or provider of  
4 medical, social work or similar services;

5 J. Attempted suicide by a child;

6 K. Rape or other sexual assault of a child;

7 L. Serious physical injury or risk thereof to a child;

8 M. Serious psychological injury or risk thereof to a child;

9 N. An inquiry made by the Governor's office with regard to a child;

10 O. Circumstances that result in a reasonable belief that the Department of Health and  
11 Human Services, Office of Child and Family Services or the Department of Corrections  
12 division providing juvenile services failed in its duty to protect a child and, as a result,  
13 the child was at imminent risk of or suffered serious bodily or emotional injury or  
14 death;

15 P. A media report of a child; and

16 Q. Any restraint or seclusion of a child.

17 "Critical incident" also includes the fatality of a child, which may involve, but is not limited  
18 to, circumstances of accident, child abuse, child neglect, homicide or other violence, natural  
19 causes, overdose, suicide or terminal illness.

20 **6. Executive agency.** "Executive agency" means an agency within the executive  
21 branch that provides services to children.

22 **7. Office.** "Office" means the Office of the Child Advocate.

23 **8. Oversight.** "Oversight" means activities involving reviewing, monitoring and  
24 recommending changes to an executive agency's implementation of laws and rules and all  
25 contracted programs, providers, services and activities of that executive agency as well as  
26 that executive agency's policies, procedures, practices and implementation and amendment  
27 of those policies, procedures and practices related to the care of or services to children.

28 **9. Record.** "Record" means any recorded information created, received, possessed or  
29 controlled by or on behalf of an executive agency.

30 **§24202. Office of the Child Advocate**

31 The Office of the Child Advocate is established as an independent agency to provide  
32 oversight of executive agencies. The office is attached to the Department of Administrative  
33 and Financial Services for administrative purposes only.

34 **1. Independent oversight.** The office shall, notwithstanding any other provision of  
35 law to the contrary, operate with full independence from any state official or executive  
36 agency, except that the advisory committee established under section 24207 may perform  
37 its duties with regard to the office. The office shall provide independent oversight of  
38 executive agencies to:

1 A. Ensure that children involved with an executive agency, and in particular children  
2 served by the child welfare or juvenile justice systems, receive timely, safe and  
3 effective services and that the children's best interests are being protected;

4 B. Work in collaboration with executive agencies and with other necessary parties on  
5 children's services cases under review;

6 C. Ensure that children placed in the care of the State or receiving services under the  
7 supervision of an executive agency in any public or private facility receive humane and  
8 dignified treatment at all times, with full respect for the children's personal dignity,  
9 right to privacy and right to adequate and appropriate health care and education in  
10 accordance with state and federal law;

11 D. Examine, on a system-wide basis, the care and services that executive agencies  
12 provide children and provide recommendations to improve the quality of those services  
13 in order to provide each child with the opportunity to live a full and productive life;

14 E. Advise the Governor, the Legislature, the advisory committee and the public about  
15 how the State may improve its services to and for children and their families; and

16 F. Periodically review and investigate any aspect of an executive agency's policies,  
17 procedures, practices and programs and work collaboratively with the executive  
18 agency to improve its policies, procedures, practices and programs.

19 **2. Services.** The office shall provide services to persons and families involved with  
20 child welfare services and may provide input on the State's child welfare system to the  
21 Department of Health and Human Services and the joint standing committee of the  
22 Legislature having jurisdiction over health and human services matters. The office shall  
23 provide case-specific advocacy services. In performing services under this section, the  
24 office, as the child advocate determines to be appropriate, may create and maintain records  
25 and case-specific reports. Any work on systems improvements or lobbying must be  
26 adjunctive to case-specific activities. The office may:

27 A. Provide information to the public about the services of the program through a  
28 comprehensive outreach program. The office shall provide information through a toll-  
29 free telephone number and a publicly accessible website;

30 B. Answer inquiries, investigate and work toward resolution of complaints regarding  
31 the performance and services of the Department of Health and Human Services and  
32 participate in conferences, meetings and studies that may improve the performance of  
33 the department;

34 C. Provide services to persons to assist them in protecting their rights;

35 D. Inform persons of the means of obtaining services from the Department of Health  
36 and Human Services;

37 E. Provide information and referral services;

38 F. Analyze and provide opinions and recommendations to agencies, the Governor and  
39 the Legislature on current or proposed state programs, rules, policies and laws;

40 G. Determine what types of complaints and inquiries will be accepted for action by  
41 the office and adopt policies and procedures regarding communication with persons

1 making inquiries or complaints and the Department of Health and Human Services;  
2 and

3 H. Collect and analyze records and data relevant to the duties and activities of the  
4 office and make reports as required by law or determined to be appropriate.

5 The Department of Health and Human Services or designee of the department shall notify  
6 the child advocate of any statewide policy changes affecting the State's child welfare  
7 system before the changes take effect.

8 **3. Information for parents in child protective cases.** The office, in consultation  
9 with appropriate interested parties, shall provide information about child protection laws  
10 and procedures to parents whose children are the subject of child protective investigations  
11 and cases under Title 22, chapter 1071. The providing of the information under this  
12 subsection does not constitute representation of parents. Parents may seek and receive  
13 information regardless of whether they are represented by legal counsel. The information  
14 must be provided free of charge to parents.

15 The office shall report annually to the joint standing committee of the Legislature having  
16 jurisdiction over judiciary matters, starting February 1, 2026, on the provision of  
17 information required by this subsection.

18 This subsection does not create new rights or obligations concerning the provision of legal  
19 advice or representation of parents. Failure to provide information under this subsection  
20 does not create a cause of action or have any effect on a child protective proceeding.

21 **4. Complaints.** The office shall, on its own initiative or on receipt of a complaint,  
22 review and if the office considers it necessary:

23 A. Investigate the actions of an executive agency and make appropriate referrals;

24 B. Investigate those complaints in which the Child Advocate determines that a child  
25 or a family may need assistance from the office or a systemic issue in the State's  
26 provision of services is raised by the complaint; and

27 C. Provide assistance to a child or a family that the Child Advocate determines is in  
28 need of assistance, including seeking resolution of complaints, which may include, but  
29 is not limited to, referring a complaint to an appropriate agency or entity, making a  
30 recommendation to that agency or entity for action related to the complaint and sharing  
31 information in any proceeding before any court or agency in the State in which matters  
32 related to an executive agency's child protection and juvenile justice services are at  
33 issue.

34 **5. Critical incidents.** An executive agency shall notify the child advocate as soon as  
35 practicable when a critical incident has occurred. The child advocate may investigate the  
36 critical incident or may review an executive agency's investigation of a critical incident.  
37 Before investigating any critical incident, the Child Advocate shall determine whether an  
38 executive agency or law enforcement agency is already investigating the critical incident;  
39 after making such a determination, the Child Advocate may investigate that critical incident  
40 or defer to the other investigation. The Child Advocate shall coordinate efforts to minimize  
41 the impact of an investigation on the child, family or employees of the agency involved  
42 unless the Child Advocate determines that such coordination will impede the investigation.  
43 In every instance, the Child Advocate shall notify the head of the relevant agency of the  
44 office's involvement before beginning an investigation.

1       **6. Fatality or serious injury of a child.** An executive agency shall notify the Child  
2 Advocate immediately by telephone of:

3       A. Any child fatality or serious injury of a child under the executive agency's care or  
4 supervision; and

5       B. Any assessment of the safety of any child or the child's siblings pursuant to the  
6 event under paragraph A.

7       The executive agency shall further provide the office with a written report of such a fatality  
8 or serious injury as soon as is practicable.

9       **7. Consultation.** The office shall regularly consult with executive agencies and the  
10 advisory committee.

11       **8. Information and referral services.** The office shall provide information and  
12 referral services to the public regarding all child services provided by the State, particularly  
13 child protection and juvenile justice services.

14       **9. Outreach and advocacy.** The office shall perform educational outreach and  
15 advocacy initiatives in furtherance of the mission and responsibilities of the office.

16       **10. Court and other proceedings.** The office shall appear or intervene, as necessary,  
17 in any proceeding before any court, agency, board or advisory committee in the State in  
18 which matters related to child protection and juvenile justice services are an issue.

19       **11. Review facilities.** The office shall periodically review the facilities and procedures  
20 of all institutions and residences, public or private, where a child has been placed by an  
21 executive agency.

22       **12. Grants, gifts and bequests.** The office may apply for and accept grants, gifts and  
23 bequests of funds from other States, federal and interstate agencies, independent  
24 authorities, private firms, nonprofit organizations, foundations and individuals for the  
25 purpose of carrying out the responsibilities of the office as long as those grants, gifts and  
26 bequests are consistent with the mission of the office.

27       **§24203. Child Advocate; term; appointment; removal**

28       **1. Appointment.** The Governor shall appoint the Child Advocate to supervise the  
29 office, serve as the office's administrator and perform all other duties as assigned by this  
30 chapter. The appointment must be made on the recommendation of the advisory committee  
31 and approved by a 2/3 vote of the Senate. The position of Child Advocate is a full-time,  
32 unclassified position.

33       **2. Term.** The Child Advocate serves a term of 5 years and until a successor is  
34 appointed and approved. Any vacancy in the position of Child Advocate must be filled in  
35 the same manner as the original appointment was made for the remainder of the unexpired  
36 term.

37       **3. Qualifications.** A person appointed to the position of Child Advocate must be  
38 selected without regard to political affiliation and on the basis of integrity and demonstrated  
39 ability and must possess a professional graduate degree in law, nursing, public health, social  
40 work or a related field and be qualified by education, experience and expertise to perform  
41 the duties of the office.

1       **4. Removal.** The Child Advocate may be removed from office for cause by the  
2       Governor with approval by a 2/3 vote of the Senate. Cause under this subsection may  
3       include substantial neglect of duty, gross misconduct or conviction of a crime. The cause  
4       for removal of the Child Advocate must be stated in writing, must be sent to the Secretary  
5       of the Senate and the Clerk of the House of Representatives and is a public document.

6       **5. Associate Child Advocate appointment; other personnel.** The Child Advocate  
7       shall appoint the Associate Child Advocate and may, subject to available appropriations,  
8       appoint such other personnel as the Child Advocate considers necessary for the efficient  
9       management of the office. The duties of the personnel must be performed under the  
10      supervision of the Child Advocate. If a vacancy occurs in the position of Child Advocate  
11      and until such time as a candidate has been appointed by the Governor and approved by  
12      the Senate, the Associate Child Advocate shall serve as the acting Child Advocate and is  
13      entitled to the compensation and privileges of and exercises the powers of the Child  
14      Advocate.

15      **§24204. Access to records and personnel; subpoena**

16      **1. Access to records.** Notwithstanding any law to the contrary, the Child Advocate  
17      has access to agency personnel and may access, inspect and copy any records necessary to  
18      carry out the responsibilities of the Child Advocate as provided in section 24203, including,  
19      but not limited to:

20          A. All case records; all 3rd-party records, including the physical, mental, behavioral  
21          and substance use treatment health care and education records of any child receiving  
22          services from an executive agency; medical examiner's autopsy reports; law  
23          enforcement records; and all records submitted to a court; and

24          B. Agency policies, procedures and reports, including draft policies and procedures.

25      The Child Advocate has unrestricted access to all electronic information systems records,  
26      reports and materials necessary to carry out the responsibilities of the Child Advocate. An  
27      executive agency shall notify the office of any new electronic information system that the  
28      executive agency establishes.

29      **2. Subpoenas.** If the Child Advocate is denied access to any record described under  
30      subsection 1 that is necessary to carry out the responsibilities of the Child Advocate, the  
31      Child Advocate may issue a subpoena for the production of that record.

32      The Child Advocate may issue a subpoena to compel the attendance and testimony of  
33      witnesses or the production of books, papers and other documents and to administer oaths  
34      to witnesses in any matter under investigation. If any person for whom a subpoena is issued  
35      under this subsection fails to appear or, having appeared, refuses to give testimony or fails  
36      to produce the evidence required, the Child Advocate may apply to the Superior Court to  
37      order that person to appear and give testimony or to produce the evidence.

38      **3. Confidential communications.** The office, in performance of its duties under this  
39      chapter, may communicate privately with any child or person who has received, is  
40      receiving or should have received services from or through the State. Communications  
41      under this subsection are confidential and not subject to disclosure except as provided in  
42      section 24205.

43      **§24205. Confidentiality of records**



1       **1. Maintenance of confidentiality.** The office shall maintain the confidentiality of  
2       all case records, 3rd-party records and court records pursuant to Title 22, section 4008,  
3       subsection 1 and all other related confidentiality laws.

4       **2. Disclosure of information restricted.** Office investigations and oversight  
5       activities and the information gathered in office investigations and oversight activities,  
6       including the identity of any complainant, are exempt from the public disclosure provisions  
7       of Title 1, chapter 13, subchapter 1. The Child Advocate may disclose information in  
8       accordance with the provisions of Title 22, section 4008, subsections 2 and 3 about a child  
9       to any individual or entity responsible for, or providing services to, the child. Any  
10      disclosures of confidential information must be the minimum necessary to ensure proper  
11      care and treatment for the child or to identify, prevent or treat the abuse or neglect of a  
12      child.

13      **3. Disclosure of investigation findings.** Notwithstanding any provision of law to the  
14      contrary, if the Child Advocate determines that the health, safety or welfare of children is  
15      at risk, the Child Advocate may publicly disclose the details of investigation findings,  
16      subject to the following limitations:

17      A. Names, addresses or other identifying information of individuals who are the  
18      subject of any confidential proceeding or statutory confidential provision may not be  
19      released to the public; and

20      B. Investigation findings may not be released if it is determined a pending law  
21      enforcement investigation or prosecution would be affected.

## 22      **§24206. Reporting**

23      **1. Annual report of office activities.** The Child Advocate shall report annually to the  
24      Governor, President of the Senate, Speaker of the House of Representatives, legislative  
25      committees with jurisdiction and advisory committees on the activities of the office,  
26      including an analysis of the delivery of services to children, activities undertaken to  
27      implement section 24202, subsection 1, paragraph D, recommendations for changes in  
28      agency policy and procedures that enable the State to better provide services to and for  
29      children and their families and priorities for implementation of those changes to services.  
30      The report must be made public by January 15, 2027 and every January 15th thereafter.

31      **2. Juvenile justice reports.** The child advocate shall prepare an in-depth report on  
32      juvenile justice conditions of confinement, detention and institutional placements in any  
33      facility operated by or contracted with an executive agency. The report must be submitted  
34      to the joint standing committee of the Legislature having jurisdiction over criminal justice  
35      and public safety matters not later than January 15, 2027 and every 2 years thereafter. The  
36      report must be made public.

## 37      **§24207. Privilege**

38      A person employed or contracted by or volunteering for the office may not be  
39      compelled to testify or produce evidence in any judicial or administrative proceeding with  
40      respect to any matter involving the exercise of the person's official duties except as may be  
41      necessary to enforce this chapter. All related memoranda, work products, notes or case  
42      files of the office are confidential and are not subject to discovery, subpoena or other means  
43      of legal compulsion and are not admissible in evidence in a judicial or administrative  
44      proceeding. This privilege does not apply to information obtained by any employee,

1 contractor or volunteer of the office regarding a crime or fraud, a communication of  
2 imminent risk of serious harm or a communication regarding the general operation of the  
3 office and the processes employed by the office.

4 **§24208. Advisory Committee to the Child Advocate**

5 **1. Establishment and membership.** The Advisory Committee to the Child Advocate  
6 is established. The advisory committee consists of the following members:

7 A. Two members of the Senate, appointed by the President of the Senate;

8 B. Two members of the House of Representatives, appointed by the Speaker of the  
9 House;

10 C. Two representatives of the Maine Association of Chiefs of Police, one of whom  
11 serves as chief of police for a city and is appointed by the President of the Senate and  
12 one of whom serves as chief of police for a town and is appointed by the Speaker of  
13 the House;

14 D. Four members of child advocacy organizations, 2 appointed by the President of the  
15 Senate and 2 appointed by the Speaker of the House;

16 E. Two members who have lived experience with children's services administered by  
17 an executive agency, including child protection, juvenile justice, developmental or  
18 educational services as a child or family member, one appointed by the President of  
19 the Senate and one appointed by the Speaker of the House;

20 F. One member representing the Maine Chapter of the American Academy of  
21 Pediatrics or successor organization, appointed by the President of the Senate;

22 G. One member representing the Maine Education Association, appointed by the  
23 President of the Senate;

24 H. One member representing the Maine Psychological Association or successor  
25 organization, appointed by the Speaker of the House;

26 I. One member representing the Maine Commission on Public Defense Services,  
27 appointed by the Speaker of the House;

28 J. One member who is a prosecutor, appointed by the Attorney General; and

29 K. Two members representing the judicial branch, appointed by the Chief Justice of  
30 the Supreme Judicial Court.

31 **2. Terms of members.** Legislative members of the committee serve a term  
32 coterminous with their term in office; all other members serve 3-year terms.

33 **3. Duties.** The advisory committee shall:

34 A. Recommend at least 3 qualified candidates to the Governor, ranked in order by  
35 qualifications, for appointment to the position of Child Advocate except that, at the  
36 conclusion of a Child Advocate's 4-year term and upon receipt of a request from the  
37 Child Advocate to be considered for reappointment, the advisory committee shall  
38 determine whether to recommend reappointment. In the case of reappointment, a  
39 single recommendation is sufficient and, if the Governor does not respond to the  
40 recommendation for reappointment within 8 weeks after receiving the recommendation

1 from the advisory committee, the Child Advocate's reappointment must be referred to  
2 the Senate for approval.

3 Not later than 8 weeks after receiving the list of candidates from the advisory  
4 committee, the Governor shall designate a candidate for Child Advocate from among  
5 those recommended by the advisory committee and submit the appointment for  
6 approval by a 2/3 vote of the Senate. If at any time any candidate withdraws from  
7 consideration prior to approval by the Senate, the appointment must be made from  
8 among the remaining candidates recommended by the advisory committee to the  
9 Governor. If, not later than 8 weeks after receiving the recommendations of the  
10 advisory committee, the Governor fails to designate a candidate, the candidate ranked  
11 first by the advisory committee is appointed and submitted for approval by a 2/3 vote  
12 of the Senate;

13 B. Evaluate the Child Advocate's performance as determined necessary based on  
14 feedback received related to the Child Advocate and as measured by progress of  
15 strategic plan goals;

16 C. Annually recommend whether the Child Advocate should receive a cost-of-living  
17 increase and salary increase in accordance with performance evaluations;

18 D. Advise the Child Advocate on the strategic direction of the office and its mission  
19 and help promote the use of, engagement in and access to the office;

20 E. Work cooperatively with the Child Advocate to provide fiscal oversight of the  
21 general operating budget of the office and ensure that the office operates in compliance  
22 with the provisions of this chapter and state and federal laws relating to children's  
23 services;

24 F. Promote the mission of the office to the public;

25 G. Provide assistance as practicable and as requested by the Child Advocate to  
26 implement this chapter;

27 H. Provide supervision to the office in its effort to support an effective, comprehensive  
28 and coordinated system of services and programs for children, youth and families;

29 I. Review with the office the efficacy of selected programs and services of executive  
30 agencies, including the characteristics of target populations, trends affecting program  
31 costs and participation and alternative approaches to programmatic and administrative  
32 concerns as a means to set priority initiatives and system reviews; and

33 J. Collaborate with the office to identify and promote implementation of best practices  
34 on behalf of children and families.

35 **Sec. 2. 18-C MRSA §5-127, sub-§4**, as enacted by PL 2017, c. 402, Pt. A, §2 and  
36 affected by PL 2019, c. 417, Pt. B, §14, is amended by amending the first blocked paragraph  
37 to read:

38 The organization shall maintain records on the training and background checks of agents,  
39 including the content and dates of training and full transcripts of background checks, for a  
40 period of not less than 5 years after the minor attains 18 years of age. The organization  
41 shall make the records available to a parent or guardian executing a power of attorney under  
42 this section and to the ~~ombudsman~~ Child Advocate under Title 22 ~~5~~, section 4087-A ~~24203~~

1 and any local, state or federal authority conducting an investigation involving the agent,  
2 the parent or guardian or the minor.

3 **Sec. 3. 22 MRSA §4004, sub-§1, ¶E**, as amended by PL 2023, c. 261, §1, is further  
4 amended to read:

5 E. Establishing a child death and serious injury review panel for reviewing deaths and  
6 serious injuries to children. The panel consists of the following members: the Chief  
7 Medical Examiner, a pediatrician, a public health nurse, forensic and community  
8 mental health clinicians, law enforcement officers, departmental child welfare staff,  
9 district attorneys, criminal or civil assistant attorneys general and the ~~ombudsman~~  
10 ~~pursuant to Child Advocate under Title 5, section 4087-A 24203~~ or a designee of the  
11 ~~ombudsman~~ Child Advocate.

12 The purpose of the panel is to recommend to state and local agencies methods of  
13 improving the child protection system, including modifications of statutes, rules,  
14 policies and procedures. Beginning January 1, 2023 and every 2 years thereafter, the  
15 department shall submit a report to the joint standing committee of the Legislature  
16 having jurisdiction over health and human services matters.

17 The panel shall submit a report to the joint standing committee of the Legislature  
18 having jurisdiction over health and human services matters at least every 3 months.  
19 The panel may submit a combined report with the child welfare advisory panel  
20 established in section 4010-D or any judicial branch task force or panel with a focus  
21 on the child welfare system or child protective proceedings. Any presentation of the  
22 report to the committee must be presented by the citizen members of the panels to the  
23 extent possible. Each quarterly report must contain, at a minimum, the following:

24 (1) A summary of generalized and anonymized observations in the prior 3-month  
25 period regarding efforts by the Office of Child and Family Services to improve the  
26 child welfare system;

27 (2) A summary of the collaboration between the child welfare advisory panel and  
28 the child death and serious injury review panel as well as any judicial branch task  
29 force or panel with a focus on the child welfare system or child protective  
30 proceedings; and

31 (3) Any recommendations on how to further protect the State's children through  
32 department policy and rulemaking and through legislation;

33 **Sec. 4. 22 MRSA §4087-A**, as amended by PL 2021, c. 550, §§3 to 6, is repealed.

34 **Sec. 5. Funds transferred.** Notwithstanding the Maine Revised Statutes, Title 5,  
35 sections 1585 and 1586, all accrued expenditures, assets, liabilities, balances or allocations,  
36 transfers, revenues or other available funds in any account or subdivision of an account of  
37 the Department of Health and Human Services and authorized for use by the ombudsman  
38 program under Title 22, section 4087-A on the effective date of this Act must be reallocated  
39 to the Department of Administrative and Financial Services, Office of the Child Advocate  
40 under Title 5, chapter 625.

## SUMMARY

This bill establishes the Office of the Child Advocate as an independent agency with jurisdiction over all children's services delivered or arranged by the State. It endows the Child Advocate with authority to receive complaints, access information, investigate, publicly report, make recommendations and advise the Governor, the Legislature, administrators of state agencies and the public on the best interests of children in providing services. It repeals the provision creating the ombudsman program in the Child and Family Services and Child Protection Act but retains services formerly provided by the ombudsman to be provided by the Office of the Child Advocate. It also provides for the transfer of funding from the ombudsman program to the Office of the Child Advocate.