

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1325

S.P. 542

In Senate, March 27, 2023

**An Act to Make Permanent the Submission of Certain Reports to
the Legislature Concerning Child Welfare**

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in black ink, appearing to read "D M Grant".

DAREK M. GRANT
Secretary of the Senate

Presented by Senator MOORE of Washington.
Cosponsored by Representative MEYER of Eliot and
Representatives: JAVNER of Chester, ZAGER of Portland.

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

2 **Sec. 1. 22 MRSA §4004, sub-§1, ¶E**, as amended by PL 2021, c. 550, §1, is further
3 amended to read:

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

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

15 The panel shall submit a report to the joint standing committee of the Legislature
16 having jurisdiction over health and human services matters at least every 3 months.
17 The panel may submit a combined report with the child welfare advisory panel
18 established in section 4010-D. Any presentation of the report to the committee must
19 be presented by the citizen members of the panels to the extent possible. Each quarterly
20 report must contain, at a minimum, the following:

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

24 (2) A summary of the collaboration between the child welfare advisory panel and
25 the child death and serious injury review panel as well as the judicial branch's
26 Maine justice for children task force; and

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

29 **Sec. 2. 22 MRSA §4010-D**, as enacted by PL 2019, c. 28, §1, is repealed and the
30 following enacted in its place:

31 **§4010-D. Child welfare advisory panel; reports**

32 **1. Department annual reports.** The department shall submit a report annually to the
33 joint standing committee of the Legislature having jurisdiction over health and human
34 services matters on the activities of and reports produced by the child welfare advisory
35 panel formed pursuant to the federal Children's Justice Act, 42 United States Code, Section
36 5106a to make policy and training recommendations for system improvements in the
37 investigative, administrative and judicial handling of child abuse, neglect and exploitation
38 cases and child maltreatment-related fatalities.

39 **2. Child welfare advisory panel quarterly reports.** The child welfare advisory panel
40 shall submit a report to the joint standing committee of the Legislature having jurisdiction
41 over health and human services matters at least every 3 months. The advisory panel may
42 submit a combined report with the child death and serious injury review panel established
43 in section 4004, subsection 1, paragraph E. Any presentation of the report to the committee

1 must be presented by the citizen members of the panels to the extent possible. Each
2 quarterly report must contain, at a minimum, the following:

3 A. A summary of generalized and anonymized observations in the prior 3-month
4 period regarding efforts by the Office of Child and Family Services to improve the
5 child welfare system;

6 B. A summary of the collaboration between the child welfare advisory panel and the
7 child death and serious injury review panel as well as the judicial branch's Maine justice
8 for children task force; and

9 C. Any recommendations on how to further protect the State's children through
10 department policy and rulemaking and through legislation.

11 **Sec. 3. 22 MRSA §5308-A** is enacted to read:

12 **§5308-A. Office of Child and Family Services reports**

13 The Office of Child and Family Services shall submit a report to the joint standing
14 committee of the Legislature having jurisdiction over health and human services matters at
15 least every 3 months. Each quarterly report must address the progress in implementing the
16 recommendations of the report, "Collaborative Safety Review, Maine Office of Child and
17 Family Services, Summary and Recommendations," completed for the department in
18 October 2021, responses to recommendations from the child welfare advisory panel formed
19 pursuant to section 4010-D and progress in efforts described in the department's annual
20 report on child welfare under section 4010-D, subsection 1. The report must address, at
21 minimum, the following:

22 **1. Prevention services.** Efforts to further coordinate and advance child welfare
23 services in primary, secondary and tertiary prevention, as those prevention services are
24 described by the Office of Child and Family Services;

25 **2. Family team meetings.** Efforts to expand the use and value of family team
26 meetings;

27 **3. Policy development.** Efforts to expand the use of participation of people with lived
28 experience in the development of policy regarding and operation of the child welfare
29 system;

30 **4. Domestic violence and custody.** A review of the department's policies and
31 practices regarding domestic violence and the ability of the nonoffending parent to assume
32 custody of a child;

33 **5. Guardians ad litem.** Efforts to work with a guardian ad litem review board under
34 the Board of Overseers of the Bar, the judicial branch and other interested parties to
35 improve the training and support of guardians ad litem; and

36 **6. Recommendations.** Any recommendations on how to further protect the State's
37 children through department policy and rulemaking and legislation.

38 **SUMMARY**

39 Resolve 2021, chapter 142 required the child welfare advisory panel and the child death
40 and serious injury review panel to submit reports to the joint standing committee of the
41 Legislature having jurisdiction over health and human services matters on the child welfare

1 system and efforts to collaborate between the citizen review panels required by the federal
2 Child Abuse Prevention and Treatment Act. It also required the Department of Health and
3 Human Services, Office of Child and Family Services to submit quarterly reports to the
4 joint standing committee of the Legislature having jurisdiction over health and human
5 services matters regarding progress in implementing the recommendations of the Casey
6 Family Programs and Collaborative Safety report completed for the department in October
7 2021, responses to recommendations from the child welfare advisory panel established
8 pursuant to the Maine Revised Statutes, Title 22, section 4010-D and progress in efforts
9 described in the department's annual report on child welfare. The reports are required until
10 June 30, 2024; this bill makes the reporting requirements permanent.