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CHILD PROTECTION SERVICES

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	PAGE
SECTION I. HISTORICAL CONTEXT	1-6
A. Introduction	1
B. Chronology of Program Development	2
SECTION II. CURRENT ACTIVITIES	9-19
A. Protective Services to Children in Their Own Families	7
CPS Mission and Target Population	8
Assessment System	9
Community Supports and Services	9
Staff for the Legal Mandates of Child Protection	10
Children Who Should Not be Child Protective Clients	10
Juvenile Sex Offenders	11
Out-of-Home Abuse of Children	12
B. Foster Care and Residential Resources for Children in DHS Care or Custody	12
Insufficient Range and Number of Placement Resources	13
Mandated Reduction of Out-of-State Placements	14
Recruitment and Retention of Foster Parents	14
Training for Foster and Adoptive Parents	15
Clarification of the Foster Parent Role	16
Independent Living Skills for Older Adolescents	16
Adoption	16
Timely Payments to Providers	17
C. Quality Assurance	17
Child Protective Quality Assurance System	17
Foster Care Administrative Case Review System	18
Staff Development and Training	19
SECTION III. FUTURE PROBLEMS	20-30
A. Protective Services to Children in Their Own Families	20
CPS Mission and Target Population	20
Assessment System	20
Community Supports and Services	20
Staff for the Legal Mandates of Child Protection	21
Children Who Should Not be Child Protective Clients	21
Juvenile Sex Offenders	23
Out-of-Home Abuse of Children	24

B. Foster Care and Residential Resources for Children in DHS Care or Custody	24
Insufficient Range and Number of Placement Resources	24
Mandated Reduction of Out-of-State Placements	25
Recruitment and Retention of Foster Parents	25
Training for Foster and Adoptive Parents	25
Clarification of the Foster Parent Role	26
Enhanced Support for Foster Parents	26
Independent Living Skills for Older Adolescents	27
Adoption	27
Timely Payments to Providers	28
C. Quality Assurance	28
Child Protective Quality Assurance	28
Foster Care Administrative Case Review System	29
Staff Development and Training	29
Staff Needs and Support to Meet Growing Service Needs and Quality Needs	30
Management Evaluation System	30

CHILD PROTECTION SERVICES

INTRODUCTION

The Department of Human Services is the agency designated by law to carry out the child protection functions. The Division of Child and Family Services within the Bureau of Social Services is charged with the delivery of child protection services in Maine. These services are provided by units of the Division: Substitute Care, Residential Services and Child Protective Services.

The mission of the agency has its basis in state and federal laws:

- . The Maine Child and Family Services and Child Protection Act
- . The Child Abuse Prevention and Treatment Act of 1974 (Federal PL 93-247)
- . The Adoption Assistance and Child Welfare Act of 1980 (Federal PL 96-272)

As stated in Maine law the mission is:

- . To protect and assist abused and neglected children, children at substantial risk of abuse and neglect, and their families;
- . To provide that children be taken from custody of parents only when necessary to protect them from jeopardy;
- . To reunify children with families which can be rehabilitated;
- . To promote early establishment of permanent plans for care and custody of children who cannot be returned to parents;
- . While children are in custody of DHS, to provide for their care in appropriately licensed or approved foster family homes or child caring facilities.

Both the state and federal laws embody these concepts. The laws and policy should be seen within the context of the purpose and mission of the Department as it relates to child and family services. The law, in a sense, is a legislative public policy statement which operationalizes much of this philosophy.

This document presents the following information:

A picture of the development of services from 1974 through 1987 from both the federal and State of Maine perspective, the current initiatives and activities being carried on during 1989 and concluding with the problems and needs we expect to address through the next biennium. The problems, goals and objectives contained within this document will parallel priorities for goals and objectives of the Child Welfare Services Plan.

I. HISTORY

A. NATIONAL

In the last fifteen years there have been a variety of initiatives at the federal and state levels which have influenced child protection services in the State of Maine. In order to get a perspective on why the program is organized as it is, it is useful to review some of the major milestones in its evolutionary development.

From the national perspective, the following major legislation established the framework for child protective services (CPS) with mandatory reporting by professionals, foster care with mandatory judicial and administrative review systems, and adoption subsidy in order to enable children to leave the foster care system.

1974 . Federal Child Abuse Prevention and Treatment Act passed (PL 93-247):

Purpose - to assist states to develop preventive programs and services for abused and neglected children and their families.

Impact:

Required states to include mandatory reporting by professionals in the state statute.

Made grants to states who complied with certain requirements.

Promoted and funded development of standard definitions of CPS terminology.

Promulgated draft standards for CPS.

Funded development of training programs for CPS staff and mandated reporters in Maine.

Promoted and funded development of a national child abuse and neglect information system.

Funded new programs and research.

Funded National Center on Child Abuse and Neglect.

Funded 10 regional resource centers.

1980 . Federal Adoption Assistance and Child Welfare Act of 1980 (PL 96-272).

Purpose - to assure that every child has a permanent and appropriate home.

Impact:

Mandated a joint federal-state annual planning process and federal approval of an annual Child Welfare Services Plan in order for states to be eligible for Title IV-B and IV-E federal monies.

Established standards for states to meet to improve their foster care program including mandatory case review requirements.

Provided federal money to eligible states to subsidize adoptions, to prevent out-of-home placements and to promote reunification with families.

Insofar as these federal initiatives have assisted and enabled, Maine has endeavored to keep abreast of, and at times lead, the nation in the development of child protection programs.

B. MAINE

Historically, child protection services in Maine can be tracked back to 1821 when "Overseers of the poor were indentured to remove children in jeopardy from their homes and place them in almshouses", but history of that vintage is not within the scope of this document.

Some of the more relevant and recent historical efforts that have significantly shaped Maine's child protection service include:

- 1975 . Maine's Child Abuse and Neglect statute expanded to include mandatory reporting by professionals.
 - . Beginning of efforts to establish staff training in child abuse and neglect (CA/N), training of mandatory reporters, and development of a model afterhours children's emergency services system.
- 1976 . Maine Child Abuse and Neglect Task Force Report issued. Called for: 24 hour emergency services, training programs, public awareness, comprehensive policies, community organization and coordination, comprehensive planning and information system development.
 - . Child and Youth Project Report. Provided documentation of lack of coordination and organization of children's services at the state level.
 - . United Way Substitute Care Task Force Report was published. Included multiple findings and recommendations to address problems of community involvement, needed resources, communication and coordination.
 - . Children's Emergency Services in CPS began in Region III as a model.
- 1977 . Interdepartmental Report submitted to 108th Legislature from DHS, DMH, DOC, and DECS recommended coordinating services for children and families. This resulted in establishing an Interdepartmental Coordinating Committee.
 - . Maine began receiving Child Abuse and Neglect federal grants (PL 93-247) as a result of state statutory requirements being met in 1976.
 - . Twenty-four hour Children's Emergency Services expanded statewide with funding from federal CAN grant.
- 1978 . Blue Ribbon Child Abuse and Neglect Commission. Resulted in the addition of 40 child protective workers to help meet the increased need.

- 1979
- Establishment of Division of Child & Family Services within the Bureau of Social Services to pull together the child protective, foster care, adoption, residential services, and other programs which provide service to children in the State of Maine.
 - The Child and Family Services and Child Protection Act of 1980 was passed by the Maine Legislature.

Impact:

Established legal standards for state intervention in family life where abuse to a child is suspected, for removal of a child from his home, and for family reunification or termination of parental rights.

Established the powers and duties of the Department of Human Services to protect children.

Provided for mandated court review of cases of children in departmental custody.

- A Task Force examining the state's foster care system issued a report entitled "Your Neighbor's Kid". It made recommendations for improvements in the structure of the foster care program.
- The first State Child Welfare Plan was written setting forth goals and objectives for the Division of Child and Family Services.
- Made initial small grants from the federal CAN grant to establish the first CAN multi-disciplinary councils and to establish Parents Anonymous in Maine.

- 1981
- Child Welfare Advisory Committee was established to advise the Department on various aspects of the Child Welfare Program.
 - Permanency Planning Project was initiated to develop permanent placements for children in foster care. This concept is now an integral part of the operation of the State's foster care program.
 - A case review system was established on a project basis (1981) and statewide basis (1983). This system requires regular periodic administrative reviews of children in foster care.

- 1982
- Legislative Sunset Review resulted in no major changes.

- 1983
- Child Death Study. This study examined children's deaths in Maine for the period 1976-1980 by cause and age and for the U.S. for 1978 only. It identified a disparity in a ratio of more than 3:1 between low income and other children.

- Children in Courts Committee report resulted in statutory changes which clarified the role and responsibility of the guardian ad litem, defined abandonment, and provided for periodic judicial reviews of children in state custody.
- Legislature provided funds for small incentive grants for establishing child abuse councils statewide and funds for increased support for Parents Anonymous of Maine.
- First federal review of foster care program to measure compliance with various aspects of the federal law, PL 96-272. The required level of compliance was 65%. Maine passed at an 86% level, one of the highest in the nation.

1984

- The Governor's Working Group on Child Abuse and Neglect Legal Proceedings issued its report entitled "Protecting Our Children: Not Without Changes in the Legal System".

Recommendations were made to expedite court cases involving abuse and neglect of children, to protect children from further abuse when court proceedings are begun, and to clarify and better coordinate the responsibilities of the various agencies of the state involved in both civil and criminal child abuse and neglect cases.

- Second federal compliance review of the foster care program. The level of compliance required was 80%. Maine passed at a level of 84%, the first state in New England and one of the few states in the country to pass this second and higher compliance level of review.
- Legislature provided \$1.5 million for FY'85 for an array of purchased community social services for child protective clients which included:
 - In-home services to prevent separation of children from parents.
 - Development of specialized and therapeutic foster homes.
 - Supervised independent living programs for older adolescents in foster care.
 - Increased board payments for foster homes.
 - Administrative support for the Maine Foster Parent Association for improved collaboration with the Department.

1985

- Legislature provided funds for:
 - 5 paralegal positions to deal with the increased amount of quasi-legal and legal aspects of the child welfare program.
 - Establishing family support teams in hospitals and to support the expansion of community based child abuse councils.
 - Expanding the number of victim-witness advocates in district attorneys offices. These advocates provide support to child victims and their families who are involved with criminal child abuse cases.
 - Increasing community-based social services, particularly mental health treatment services for sexual abuse.

- . Advisory Committee on Caseworker Issues was formed with representation from all regions and all levels of the Bureau.
 - . Foster parent support groups established through the Maine Foster Parent Association in all regions of the State.
- 1986
- . Third Foster Parent Handbook written in collaboration with Maine Foster Parents Association.
 - . Child abuse forensic diagnostic clinic established at Mid-Maine Medical Center with consultation available statewide.
 - . Restructured the mandatory child welfare staff training curriculum into a recurring cyclical schedule of 1 program per month for first year staff and 1 program bi-monthly for second year staff.
 - . Established child protective assessment units in 4 of the 5 regions.
 - . The 1st year Legislative Child Welfare Review resulted in statutory changes in the Child Protection Act:
 - . expanded definition of serious harm to include mental or emotional injury or impairment with symptoms which are likely to occur in the future;
 - . established standards for family rehabilitation and reunification, placing burden of proof on the parents, and allowing courts to order no rehabilitation efforts when parents are convicted of certain heinous or abhorrent crimes; and
 - . unsubstantiated reports of child abuse and neglect to be expunged after 18 months unless there is a new referral.
- 1987
- . Community volunteers added to foster care Administrative Case Review Panels.
 - . Report by the Interdisciplinary Committee on Out-of-Home Abuse made recommendations to DHS for legislative and organizational changes.
 - . The 2nd year Legislative Child Welfare Review resulted in statutory requirements for a separate out-of-home abuse investigating team, consolidation of licensing functions for children's facilities, and charging fees for independent adoptive studies done by DHS.

II. CURRENT ACTIVITIES

A. PROTECTIVE SERVICES TO CHILDREN IN THEIR OWN FAMILIES

In the field of child protection, there is an ever-increasing body of knowledge and development of expertise. Child Protective Services staff have increased their knowledge and skills in response to the increase in referrals. Through this process, staff have developed a sophisticated ability to more carefully screen out inappropriate referrals. It is essential that a balance be maintained in the dynamic equation involving children at risk of harm, a high number of referrals, and a caseload which can be effectively managed. We consider child abuse to be primarily a social problem requiring a multi-disciplinary home and community-based service delivery system.

Maine conceives its Child Protection programs in terms of Priority Groups, Target Populations, Target Groups and Client Objectives.

The major priority groups and the Child Protection clients are:

1. Children in the care or custody of the Department of Human Services (Substitute Care Services) and
2. Children who are or may become abused, neglected, and/or exploited, and their families (Child Protective Services).

Children in the first group are those for whom the Department has the most extensive, far-reaching responsibility. Included in this group are those for whom the Department has assumed some parental responsibility. The child may be in the legal custody of the State of Maine, or of another state, but living in Maine. The child may be in the temporary, voluntary care of this or another state.

The second priority group includes a wide range of clients -- from families about whom a protective referral has been received and is being assessed, to families who are experiencing some difficulty in adjusting to the adoption of a child.

Child Protective Services is responsible for providing services to identified families to enable them to care for and protect the children in their own homes. When it is not possible to safely maintain children in their own home, Child Protective Services will petition the court for removal of children from their home. These children and their families then move through the Substitute Care process.

Direct services are provided through regional social services caseworkers supported by their supervisors and regional administrators. Direct services include case assessment, case management, counseling, advocacy, and court related activities.

Indirect services are provided through a variety of purchase of service arrangements. The client oriented system funded by the Department provides a variety of support services to protect clients including substance abuse, day care, homemaker, mental health services and others.

Total referrals to Child Protective Services continue to increase each year as the community looks to the Department of Human Services to assist families with a variety of dysfunctional behaviors. In order to adequately respond to referrals of child abuse and neglect, child protective services has had to screen out an increasing number of referrals where abuse or neglect poses minimal risk to children. The majority of those referrals involved marginal care and supervision, parent child conflict, and family crisis situations. The Department tries to refer these families to other resources but often the resources are not available or have lengthy waiting lists. Hopefully, community-based agencies will be able to play a significant role in the future by expanding their services to these families.

With vigorous screening, child protective supervisors attempt to contain caseload size at a level which can be handled by their staff. However, the cases which do make it through the screening process tend to be more complex and demanding of the workers' time, causing continuous strain on the child protective system.

The financial commitment to Protective Services by the state to children in their own homes in fiscal year 88/89 is \$9,269,000.

The number of Child Protective Families and Institutional Cases served in the same fiscal year will be approximately 8,000.

Objectives of these services include:

- To protect and assist abused and neglected children, children at substantial risk of abuse and neglect, and their families through investigation, assessment and provision of services.
- To provide that children be taken from custody of parents only when necessary to protect them from jeopardy.

Mission and Target Population:

After a period when expectations of the Child Protective Program have mushroomed amid a national focus on child victims and adult perpetrators and decreasing federal resources, the mission and target population of CPS is not clear to the public and needs to be clarified and affirmed for our own staff who have the perception of endeavoring to accomplish more than is possible. Prevention and protection are shared responsibilities with the community. This year the Department plans to:

- Clearly define the mission and target population appropriate for Child Protective Services (CPS) and assure that it is understood and supported within DHS.
- Communicate the philosophy, mission, roles, responsibilities, goals and accomplishments of Child Protective Services to both the general community and to targeted portions of it.

Assessment System:

In order to have a consistent response statewide to a large volume of referrals, the Department needs to improve its system of assessment which is used to determine a child's current safety and to predict future safety of the child. This improved assessment system would be used at child protective intake and at critical points throughout the provision of protection services. This year the Division will:

- . Determine the components of assessment which must be included at child protective intake and at critical points as long as the case is open in Child Protection Services.

Community Supports and Services:

Children in their own homes where child abuse and neglect is a problem are best served by remaining with their own families if adequate supports are available and protection from future abuse can be assured. Maine needs continued emphasis and development of the range of its community system of supports and services.

Public Law 96-272, the Adoption Assistance and Child Welfare Act of 1980, requires courts to make a determination that reasonable efforts were made to prevent the removal of a child from his family and placement in the foster care system. This federal law also increases the role of the courts through reviewing an agency's efforts to reunify children separated from their parents. There are financial penalties to a state for failure to comply with this law.

Funding available from federal and state resources has been used to provide an array of services to support families who are experiencing multi-systems problems. These community based services are essential to prevent deterioration of the family, to support its ability to maintain children in their own homes, and to reunify children with their families.

Sufficient services may not be available to protective services caseworkers to assure the safety of the child while family rehabilitation efforts are implemented.

- . This problem is being addressed currently through the following purchased services to which families are referred by caseworkers:

- Substance Abuse Services
- Family Crisis Shelters
- Counseling and other Mental Health Services
- Day Care
- Homemaker & Parent Aide Services
- Transportation

- . The Department will seek funding to maintain current levels of purchased services for children and families.

- . The Department will request additional legislative funding for substance abuse treatment services and for AIDS clients.
- . Third year Legislative Child Welfare Review by the Committee on Audit and Program Review resulted in establishing and funding a Child Welfare Ombudsman position from the Governor's office.

Staff for the Legal Mandates of Child Protection:

CPS is unable to respond to all appropriate referrals of alleged abuse or neglect which leaves some children in situations of maltreatment without intervention and services or without appropriate multi-systems assessments.

Children in DHS custody have more serious multi-systems problems which require fuller assessment, appropriate case plans addressing the reasons the child came into custody, and resources for intensive family rehabilitation work.

Several legislative authorizations during recent years have resulted in additional professional positions which have improved caseload and supervisory ratios. However, virtually no additional clerical, case aide, or paralegal positions have been authorized resulting in professional staff who must perform functions of support positions. Additional federal and state statutory requirements and increased court-related legal activities have exacerbated the workload to the point that support staff are unable to maintain timely documentation and professional staff are spending more time doing administrative and legal activities which detract from direct casework time.

Although the Department recognizes the need for professional staff in order to meet its child protective and foster care mandates, there must be a balancing of the need for support staff to meet the mandates for children in state custody and families who are child protection clients.

- . This year the Department will request legislative authorization of additional clerical and paralegal positions to meet requirements for the current number of clients served.
- . This year the 113th Legislature amended the Maine Tort Act to provide additional liability protection for Child Protection staff who act in good faith within the scope of their employment.

Increase legal and other costs.	FY 89 <u>182,000</u>
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Children Who Should Not be Child Protective Clients:

Some children in Maine are inappropriately placed in Department of Human Services' custody because:

- Parents are not able to access or pay for appropriate support services for themselves and their children.
- School systems may not view services which support children as a responsibility of the special education system.

- The mental health or corrections system may not have funding sources for some services needed by children and their families.

This year the Juvenile Justice Commission and the Commission on Children in Need of Services (CHINS) were established by the 113th Legislature to respond in part to this problem.

This year the Department will:

- . Participate on the Juvenile Justice Commission and the Commission on Children in Need of Services (CHINS) to make recommendations to the 114th Legislature regarding children who fall through the cracks of the present services system.
- . Complete the revision of the interagency agreement for clarification of responsibilities with DHS, the Maine Youth Center and the Department of Corrections.
- . Develop an interagency agreement between DHS, Division of Child and Family Services, and the Department of Educational and Cultural Services regarding special education responsibilities and services.

Juvenile Sex Offenders:

The issue of juvenile sex offenders has just recently emerged as a major social problem in this country and in Maine. While we don't have enough research to draw a definitive conclusion, it is likely that the issue has always been present. Dr. Gene Abel and Dr. Judith Becker conducted an extensive and landmark study of non-adjudicated sex offenders which documented that adult offenders began their offending when they were young adolescents. The study also showed that the seriousness of the sexual offenses increased over time and that if intervention did not occur when the offender was young, the offender was likely to have hundreds of child victims.

The State Child Sexual Abuse Committee is a sub-committee of the Interdepartmental Council with representation of public and private agencies and multi-disciplinary professionals. It has taken on responsibility to begin to explore and respond to the issue of juvenile sex offenders.

With child sexual abuse recognized in approximately 30% of the child protective caseload, it is apparent that one effective long term prevention is assertive intervention with juvenile sexual offenders. This year the Department:

- . Co-sponsored and participated in the Bethel Sexual Abuse Conference which was held in September, 1988. This conference focused on what Maine needs to do as a state in order to respond to this serious problem of juvenile sex offenders in order that many child victims can be spared sexual assault.
- . Will continue to work with the State Child Sexual Abuse Committee to develop a plan for a specialized assessment and treatment capability and expertise among a variety of mental health practitioners within the state.

Out-of-Home Abuse of Children:

The 113th Legislature enacted a new law in 1987 to become effective July, 1988 creating a separate organizational unit in the Bureau of Social Services to do investigations of allegations of child abuse in out-of-home settings, 22 M.R.S.A. Sub-chapter XI §5005. The Interdepartmental Council recommended further refinement in out-of-home abuse law, roles, and responsibilities through legislation in 1988. This year the Department plans to:

- . Hire the legislatively authorized 2 specialists for investigations and an Assistant Attorney General.
- . Reorganize the Bureau of Social Services in compliance with statute.
- . Determine the required staffing to meet the mandate of the new law.

B. FOSTER CARE AND RESIDENTIAL RESOURCES FOR CHILDREN IN DHS CARE OR CUSTODY

Foster care, based on volunteer families with one parent a full time homemaker, is an outdated method which can no longer meet the needs of a time-limited, goal-directed child welfare system, nor the needs of the children who have been severely damaged by physical, sexual and emotional abuse which is so prevalent in the 1980's. The problems of the children currently in placement require a greater level of skill and commitment than has been the case historically.

The children in the Department's care and custody are increasing in their needs for specialized care and treatment. To meet these needs the continuum of substitute care resources needs to be expanded. The foster care system requires major changes in order to meet the current and future placement needs of the children for whom the Bureau is responsible.

The financial commitment to the Foster Care and Residential Resources for Children in DHS Care or Custody for fiscal year 88/89 is \$18,285,000.

The number of children and their families served in state fiscal year 88/89 will be approximately 2,600.

Objectives of these services:

- . To provide appropriate care and treatment services to foster children in licensed or approved family foster homes or child caring facilities.
- . To reunify foster children with families which can be rehabilitated.
- . To promote early establishment of permanent plans for care and custody of foster children who cannot be returned to their parents.

Insufficient Range and Number of Placement Resources:

The Department of Human Services is mandated to provide appropriate resources and placements for children who are in its care and custody. The existing residential treatment system within Maine is unequipped to deal with all youth requiring residential services, both in numbers of beds available and in the appropriateness of treatment programs provided. In order to adequately serve the treatment needs of a number of these youth, out-of-state treatment options have been utilized.

Many DHS youth are currently in residential treatment programs out-of-state which deal with severely emotionally disturbed and behavior disordered youth who cannot be appropriately served by existing in-state residential programs. Many others are at AMHI or Jackson Brook Institute awaiting a more appropriate treatment placement. Existing residential treatment centers (RTCs) in Maine are unable to serve specific populations of youth in either of the aforementioned groups. These youth exhibit severe acting out and aggressive behavior, are frequent runners, often are a danger to themselves or others, usually have moderate to severe substance abuse problems, are involved in the criminal justice system, and do not willingly accept services offered to them. An increasing number of children who need residential treatment are latency age and young adolescents. Twelve percent of the adolescent population in Maine experience problems as a result of the abuse of alcohol or other substances.

All the child-serving Departments, both individually and through the various levels of the Interdepartmental Council have studied this problem exhaustively and have arrived at recommendations to resolve the residential placement problem. Several reports generated by these efforts include:

- . 1985 Out of State Report
- . BSU Data Assessment Report - 1985
- . RTC Contingency Plan - 1986
- . ARC Subcommittee Report for the Juvenile Justice Committee - 1986
- . Plan to Minimize Out-of-State Placements - 1987

These reports all strongly recommend the need for an increase in appropriate treatment programming for Maine youth. Additional beds would be traditional Residential Treatment Center beds, community-based residential treatment programs, therapeutic group homes, and therapeutic foster homes with a strong mental health component.

There is not a sufficient range and number of placement resources in close proximity to the children's families to meet the needs of children for whom DHS is responsible. The Departments have previously requested funds to support the well-documented need for additional residential treatment services through Legislative budget requests but have been unsuccessful in adding needed components to the in-state residential treatment system.

- . The Department plans to expand professional foster homes with back-up services from a residential treatment center or other mental health facility, and increase the number of contracted beds in in-state RTCs to the extent permitted with available resources.

Start up funding for "professional" and "therapeutic" homes (1-2 children per home), "therapeutic group" homes (6-12 children), and for "residential treatment" services (30 beds).

FY 89
165,000

- Even though the Department recognizes the need to expand the full range of placement resources, this year the Department will be able to request additional legislative funding for only a part of the system. The Department will request funding to expand the number of professional therapeutic foster homes statewide. The Department is seeking "start-up" funding for therapeutic and professional homes for children and for additional in-state residential treatment beds in the FY '89 budget (\$165,000).
- This year the Department received legislative funding and has started another substance abuse long term residential rehabilitation program for adolescents in Hancock County.

Mandated Reduction of Out-of-State Placements:

The 113th Legislature, through passage of Chapter 395, AN ACT Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Laws, mandated that DHS place fewer state wards in treatment facilities out-of-state and to expand the number of treatment beds within Maine although additional funds for this purpose were not appropriated.

Of the children in out-of-state facilities on 6/30/87, 60 were referred and placed by local school districts, and 36 were placed by the Department of Human Services, based on PET recommendations. For DHS state wards, this number represents an increase of 20% from 1985. From 1982 to 1985, the number of DHS state wards in out-of-state placements increased by 88%. At the same time, the number of youth placed in out-of-state facilities directly from the Maine Youth Center more than doubled (6 in 1985 to 15 in 1987).

- This year reduce number of state wards in out-of-state treatment facilities consistent with the legislative directive.
- Advise the 114th legislature of the impact on the affected state wards of compliance with this Legislative directive and request appropriate action.

Immediate Action Plan - adjust out-of-state placement policy to allow children who require treatment to be sent to out-of-state facilities (6-10 children).

FY 89
80,000

Recruitment and Retention of Foster Parents:

Recruitment and retention of foster parents has become so difficult that there are insufficient foster home resources for children in the care and custody of DHS. Economic stressors have been another factor negatively affecting those who are interested in foster parenting.

Foster parents are the cornerstone of Maine's service system for foster children. A recent study showed that increasing the payment rate to foster parents can significantly lower the numbers of moves of foster children. Foster parents would have a greater investment in "hanging in there" with difficult children, and would thus be paid for providing additional services which could also help reduce the workload of Department caseworkers.

In 1985 the Child Welfare Advisory Committee studied the foster care system and the problems of retention of foster parents. The Advisory Committee also used a study done in 1984 by the Human Services Development Institute of "Why Foster Parents Quit" to develop recommendations for the Department. The Advisory Committee also supported the findings of this study which stated that foster parents often leave the program due to lack of agency support and burnout.

The Advisory Committee recommendations stated that it is critical that payment rates for care, clothing, and reimbursement for other services and expenses incurred for the foster children are adequate to at least cover the actual expenses of providing care for a foster child. Recommendations were also made to establish a system of respite care for foster parents to help lower the stress level created by foster parenting and to increase foster parent retention.

The Department agrees that support must be provided to retain licensed, trained foster parents and increase the quality of care these foster parents can provide for children. Initial legislative budget requests were prepared for the First Session of the 113th Legislature but these requests did not survive the budget process. This year:

- . The Department continues to provide respite support while developing a plan for a respite system which would be dependent on new resources.
- . The Department will submit a legislative request for additional funds to support an increased payment to foster parents.

Higher payments to foster parents for special needs children.

FY 89
555,000

- . The Department will increase awareness and involve the community to support and advocate for foster parents.
- . In its efforts to expand foster care resources, the Department will continue to recruit new specialized and conventional foster homes and provide training at the same level as the previous year.

Training for Foster and Adoptive Parents:

Some foster parents who wish to adopt a child are displeased when they must attend additional training and preparation before approval as adoptive parents. This year the Department is working on a plan to:

- . Consolidate the preparation and training of both foster and adoptive parents in order to increase the level of skills of foster and adoptive parents and to eliminate delays and duplication of effort since approximately 60% of adoptions are done by foster parents.

Clarification of the Foster Parent Role:

During a time when foster home abuse allegations are very much in the public eye, the need of foster parents for affirmation and their desire for a greater role in planning and decision-making regarding the children has increased the tension between DHS staff and foster parents. DHS depends heavily on foster parents as primary care providers in a time of very scarce resources. This year the Department will:

- . In collaboration with the Maine Foster Parents Association, define and clarify the role of foster parents vis-a-vis agency staff in relationship to whether foster parents are partners, team members, service providers, or volunteers.

Independent Living Skills for Older Adolescents:

Permanency planning generally is directed toward reunification with a parent and if this is not possible, adoption. However, development of independent living skills may be the long term permanent plan for older adolescents and those who will probably not be integrated into a permanent legal family. This year, with the use of federal funds for expansion of independent living programs for young adults age 16 and older, the Department will:

- . Contract with Judge Baker Children's Center for the duration of the federal funding for a part time project position to assist Department staff in developing and implementing an expanded independent living skills program statewide.
- . Develop a plan for expanded independent living skills and services statewide.

Independent Living Plan (New Federal Funds).

	FY 89
Training and Resources for Department staff, foster parents and other providers regarding planning and delivering independent living services.	85,000
Client specific services, such as formal instruction in adult living skills.	180,000
Program and policy development, coordination, quality in order to assist youth transition from foster care to adult living.	90,000

Adoption:

There has not been a comprehensive review of adoption and adoption laws in Maine in the last 25 years.

An Adoption Task Force was formed in 1988 by DHS in response to the needs seen by citizens, legislators, and DHS staff for changes in Maine's current adoption programs. This year the task force will:

- . Identify current trends and issues regarding adoption.
- . Determine where Maine wants to be in regard to adoptions practice.
- . Identify current and needed resources for adoption support.
- . Prepare a revision or recodification of Maine's adoption laws and related rules.

Increase costs for subsidized adoption program.

FY 89
263,000

Timely Payments to Providers:

Slow and delayed payments for services provided to agency clients has a negative impact on a provider being willing to offer service to DHS clients and to children in State custody. This year the Department will:

- . Implement a fully operational, computerized payments system to make possible the accurate and prompt payment to foster parents and other placement resources.
- . Develop what will become a fully operational, computerized payments system for prompt and accurate payment of authorized purchased services.

C. QUALITY ASSURANCE

As national research, knowledge, training and standard setting impact the technical aspects of child protection, state programs need to continually evaluate their child protection policy, knowledge and skills, and provide staff training in order to ensure quality service delivery to abused and neglected children and their families.

Child Protective Quality Assurance System:

The severity and complexity of cases being served by Child Protective Services has increased significantly within the last decade along with expectations for quality casework and increased coordination with community resources. Even though Child Protective Casework Supervisors continually review this casework, the agency has not had resources to implement a system of more objective quality review.

Initial legislative budget requests were prepared for the 112th and 113th Legislature in order to develop a review and evaluation system. These requests did not survive the budget process.

Limited program reviews were conducted during 1986 by the Child Protective Program Specialist and groups of casework supervisors. This first Child Protective Program review looked at 466 Intake Studies statewide, from March 1986 to January 1987. This was "a paper review" in that no staff appeared before a "review panel". These reviews further supported the need for an ongoing systematic process to assure policy compliance and quality casework.

Administrators of the Child Protective Program along with casework supervisors recommend that the issue of quality review is so critical that the Department must establish a quality review system for Child Protective Services. There are growing ramifications for the liability of the agency and inability to assure that quality services are being provided to protect children.

The quality assurance system must provide data to assure policy compliance and good practice standards. It needs to identify training and resource needs and determine areas for improved practice and needed resources.

Even though this system of increased accountability cannot be responsibly developed without additional resources, the baseline work can be done which involves also revisiting the management information system. This year the Department will:

- . Develop a plan for a Child Protective Quality Assurance System.
- . Request Legislative authorization for the resources required to implement a CPS Quality Assurance System.

Foster Care Administrative Case Review System:

The Foster Care Administrative Case Review system came into being with the passage of the Adoption Assistance and Child Welfare Act of 1980 (PL 96-272) which outlines the purposes of the review system:

- to assure that each child in care or custody of the Department of Human Services has a case plan which provides for appropriate substitute placement which addresses the special needs of the child;
- that the status of each child is reviewed either by a court or administratively with attention to the child's continuing need for placement, progress which has been made in alleviating the need for care or custody and to the projection of a date for permanent placement;
- that procedural safeguards are applied with respect to dispositional hearings and notice to parents of changes in placement and in visiting plans.

The child is the focus of the review and the review panel strives to assure common recognition of the child's needs and to gain consensus among the participants on the most appropriate course of action, given the child's needs. The Case Review Managers often make recommendations for changes to case plans presented as well as assuring that responsibility for carrying out aspects of the plan is clear. Administrative Case Reviews conclude with a clear, written description of the child's needs, plan of action, specification of who is responsible for what parts of the plan and when each is to be accomplished.

This system is expanding information reported after reviews to better identify barriers to providing permanency to children and unmet service needs of children and parents.

Although foster care case reviews are conducted systematically statewide, the process to capture and address systemic problems in the foster care system needs to be strengthened. This year the Department will:

- . Improve and refine within the Foster Care Administrative Case Review System the system of identification of systemic problems and presentation for resolution.

Staff Development and Training:

In spite of the many orientation and training programs provided to staff, there remain significant gaps in our ability to orient, train, and provide continued education to all child welfare staff.

This Division needs a comprehensive training program design for all staff from the date they begin work. There needs to be a pre-service orientation and ongoing training based on the individual needs of staff positions and members, continuing education programs to keep staff current in their profession, and a computerized monitoring and tracking system for all of the above.

- . This year the Division will review the current system, and develop a plan for a revised training system to meet current needs.
- . Social Work Licensing Law changed this year to require DHS caseworkers to be licensed and to have periodic consultation from licensed masters level social workers.
- . Determine this year whether DHS is able to recruit sufficient staff who can be licensed.
- . Develop a method for compliance with the required supervision.
- . Identify any gaps in resources in order to comply with this law.

III. FUTURE DIRECTIONS (Fiscal Years 89/90 and 90/91)

A. PROTECTIVE SERVICES TO CHILDREN IN THEIR OWN FAMILIES

Mission and Target Population:

After a period when expectations of the Child Protective Program have mushroomed amid a national focus on child victims and adult perpetrators and decreasing federal resources, the mission and target population of CPS is not clear to the public and needs to be clarified and affirmed for our own staff who have the perception of endeavoring to accomplish more than is possible. Prevention and protection are shared responsibilities with the community. This Division will:

- . Develop an ongoing system of informing the public and responding to criticism that is supportive to staff and that has a positive impact on the programs.

Assessment System:

In order to have a consistent response statewide to a large volume of referrals, the Department needs to improve its system of assessment which is used to determine a child's current safety and to predict future safety of the child. This improved assessment system would be used at child protective intake and at critical points throughout the provision of protection services. The Division will:

- . Develop and implement the improved system of multi-systems assessment statewide.
- . Determine the sufficiency of resources for the revised assessment system with consideration for the legal mandates of Child Protection.
- . Develop a method to evaluate the revised assessment system.

Community Supports and Services:

Children in their own homes where child abuse and neglect is a problem are best served by remaining with their own families if adequate supports are available and protection from future abuse can be assured. Maine needs continued emphasis and development of the range of its community system of supports and services.

Sufficient services may not be available to protective services caseworkers to assure the safety of the child while family rehabilitation efforts are implemented.

The Department believes that child abuse and neglect is a complex multifaceted problem requiring a broad based community response. While the Department has a critical and unique role to play in protecting children, it cannot and should not do the job alone.

There is a need to expand services in the community which have proven to be the most effective and most needed to impact on rehabilitation work in child protective families. The services needed are short term intensive with behaviorally specific goals related specifically to the factors threatening family disintegration. These services are provided both in and outside of the family's home by the child protective caseworker and through services contracted with the private sector.

During this time the target population is the child protective services families where the possibility of children being removed from their homes is the greatest. It is expected that the child protective staff will transition these families to other community based services after a period of short term intensive services and the reduction of risk of serious harm to the child.

These services differ from other community based services which are in place statewide today primarily in that they target the most difficult dysfunctional and abusive families in the child protective caseload and the services are targeted at the basis for the abuse and/or neglect of the children.

- Develop a plan with the Child Abuse and Neglect Councils, the Child Welfare Advisory Committee and other state and community agencies to provide services to families not served by the Child Protective Services program.

Staff for the Legal Mandates of Current Protection:

CPS is not able to respond to all appropriate referrals of alleged abuse or neglect. This leave some children in situations of maltreatment without intervention and services. There is a need for a consistent response to those valid referrals which the Division is unable to investigate or provide services for.

- Request authorization for additional paralegals and clerical support staff positions to assist Child Protective professional staff.

	FY 90	FY 91
Clerical Support for Caseworkers	188,500	166,250
Paralegal Casework staff	87,210	89,825
Increase legal and other services resources	182,000	182,000

Children Who Should Not be Child Protective Clients:

Some children in Maine are inappropriately placed in Department of Human Services' custody because:

- Parents are not able to access or pay for appropriate support services for themselves and their children.
- School systems may not view services which support children as a responsibility of the special education system.

- The mental health or corrections system may not have funding sources for some services needed by children and their families.

In 1988, the Juvenile Justice Commission and Commission on Children in Need of Services (CHINS) were established by the 113th Legislature to respond in part to this problem.

- Following the reports of the CHINS Commission and of the Juvenile Justice Commission, determine what issues and problems remain. Develop a plan for addressing those issues.
- The Bureau of Social Services will seek designation of appropriate Departmental staff to meet with Maine Judges to discuss:
 - a) Definitions of children who are appropriate for DHS custody, and those who are not;
 - b) Alternative services available to families and children which, if used, would not require removing the child from parental custody;
 - c) The fact that the Department intends to provide limited basic services to non-compliant adolescents. For children who clearly reject all services, judicial reviews will be sought to remove these children from the Department's custody.
 - d) Encouraging Judges to address conflicts they have with Departmental policies and procedures through the administrative structure rather than with caseworkers who appear in court.

Because other youth serving agencies such as the Departments of Mental Health and Mental Retardation and Corrections lack sufficient funds to provide or purchase services for children who need treatment, these children are often inappropriately referred or placed in the Department's custody to gain access to services. When a child is placed in Department of Human Services custody, parents lose all rights and responsibilities regarding the child.

- The Department will support the following positions:
 - a) The Departments of Mental Health and Mental Retardation and Corrections should receive funding to provide services to children so that parental rights don't have to be removed just so the child can gain needed help.
 - b) The Department should support the recommendation of the Juvenile Correctional Planning Commission that states:

"...upon the establishment of appropriate and adequate residential and non-residential service options for juvenile corrections clients, that placement of youth into DHS custody under Title 15 §3312 and §3314 be eliminated.

Juvenile Sex Offenders:

The issue of juvenile sex offenders has just recently emerged as a major social problem in this country and in Maine. While we don't have enough research to draw a definitive conclusion, it is likely that the issue has always been present. It is recognized that in the Department's caseload, approximately 30% have been victims of child sexual abuse.

The State Child Sexual Abuse Committee is a sub-committee of the Interdepartmental Council with representation of public and private agencies and multi-disciplinary professionals. It has taken on responsibility to begin to explore and respond to the issue of juvenile sex offenders.

Since this is a recently recognized problem and new target population, we have very little information on the nature of the problem in Maine. We have just begun to gather data on an informal basis as to the number of juvenile offenders.

One of the biggest needs in this field is to develop a comprehensive data system where data collection done by a number of different child serving agencies can be cross referenced so that unduplicated counts can be obtained.

We also need to help other related, concerned and affected professionals, such as lawyers, the judiciary, and schools, to know the continuum of care and services that is needed from very short term community based services through secure treatment facilities.

A significant number (at least 72%) of the children who were reviewed in a special study are victims of sexual abuse. Many of these children have developed offending behaviors. There is no program in Maine specifically geared to treat sexual offenders unless they are adjudicated and sentenced to the Maine Youth Center.

- . The Department will seek to develop a range of resources to intervene with children in its custody who are sexual abuse victims or offenders. These services include:

- a) Specially trained professional homes;
- b) Specialized sexual abuse components within existing group homes and residential treatment centers;
- c) A residential treatment program specifically for sexual offenders.

	FY 90	FY 91
Community treatment programs for juvenile sexual offenders.	200,000	200,000

Child serving agencies are learning more and more about the dynamics of sexual abuse. One of the guiding principles in effective treatment is that sexual offenders must be held accountable for their actions, even if they are very young.

- . The Department will seek to develop guidelines and training for staff and foster parents to assist them in identifying, confronting, and dealing with aberrant sexual behavior of foster children.
- . The Department will collaborate with the Attorney General's Office and the Department of Safety regarding development of an appropriate range of sanctions for sexual offenders as part of the Juvenile and Criminal Code.

Out-of-Home Abuse of Children:

The 113th Legislature enacted a new law in 1987 to become effective July, 1988 creating a separate organizational unit in the Bureau of Social Services to do investigations of allegations of child abuse in out-of-home settings, 22 M.R.S.A. Sub-chapter XI §5005. The Interdepartmental Council recommended further refinement in out-of-home abuse law, roles, and responsibilities through legislation in 1988. This year the Department plans to:

- . Request 1 supervisor to comply with the Out-of-Home Abuse law which was enacted in 1988.

	FY 90	FY 91
Child Abuse Out of Home staff.	<u>41,026</u>	<u>38,206</u>

- . Resolve outstanding issues and statutory responsibility for response to child abuse allegations in schools.

B. FOSTER CARE AND RESIDENTIAL RESOURCES FOR CHILDREN IN DHS CARE OR CUSTODY

Foster care, based on volunteer families with one parent a full time homemaker, is an outdated method which can no longer meet the needs of a time-limited, goal-directed child welfare system, nor the needs of the children who have been severely damaged by physical, sexual and emotional abuse which is so prevalent in the 1980's. The problems of the children currently in placement require a greater level of skill and commitment than has been the case historically.

Insufficient Range and Number of Placement Resources:

- . The Department will clarify with existing programs the types of children whom they can and will serve and develop a contractual expectation that a child will not be discharged without a review by Department staff.

- . The Office of Alcohol and Drug Abuse Prevention will work with the Bureau of Social Services to ascertain the drug and alcohol treatment needs of children in custody of the Department and negotiate with existing providers for treatment programs to meet the needs of children and youth in custody.
- . In collaboration with other youth serving departments, the Department will explore the possibility of establishing short term assessment and transitional treatment center for children in custody considering using existing facilities: emergency shelters, group homes, Bath Children's Home, Pineland and other state facilities.

	FY 90	FY 91
Annual Funding to support children placed in new programs.	<u>800,000</u>	<u>800,000</u>

Mandated Reduction of Out-of-State Placements:

The 113th Legislature, through passage of Chapter 395, AN ACT Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Laws, mandated that DHS place fewer state wards in treatment facilities out-of-state and to expand the number of treatment beds within Maine although additional funds for this purpose were not appropriated.

- . Further reduce the number of state wards in out-of-state treatment facilities consistent with the directive of the 113th legislature.
- . The Department will significantly increase efforts to adjust out-of-state placement procedures to allow children who require a treatment program that does not exist in Maine to be sent to out-of-state programs.

FY 90
<u>315,000</u>

Recruitment and Retention of Foster Parents:

Recruitment and retention of foster parents has become so difficult that there are insufficient foster home resources for children in the care and custody of DHS. Economic stressers have been another factor negatively affecting those who are interested in foster parenting.

- . Implement any authorizations/actions of the 1st session of 114th Legislature.
- . Develop and implement a plan for foster parent recruitment particularly for specialized and professional foster parents which is indicated after assessment of the impact of previous activities and the current needs and trends in foster care.
- . The Department will attempt to increase significantly the basic foster home board and care reimbursement rate in order to recruit and retain foster parents who are better able and more willing to accept and perservere with problematic children when they first come into custody. This is intended to improve the care given children and to reduce the number of placements and repeated moves which further damages children coming into state custody.

	FY 90	FY 91
Higher payments to foster parents for special needs children.	<u>555,000</u>	<u>555,000</u>

- . The Department will decentralize the approval procedure for approving special board rates based on foster parent's role and the degree and nature of the problems presented by the child. Establish a list of foster homes which automatically qualify for special board rates for children with emotional, behavioral, and medical problems.

Training for Foster and Adoptive Parents:

Some foster parents who wish to adopt a child are displeased when they must attend additional training and preparation before approval as adoptive parents. This year the Department is working on a plan to:

- . Complete the plan for Model Approach to Parenting Partnership (MAPP).
- . Request any additional resources needed for "MAPP".
- . Implement "MAPP" statewide.
- . Develop support and training for foster parents so they can better deal with the separation trauma experienced by children when they are removed from their family.

	FY 90	FY 91
Training for foster parenting to help them better	40,000	40,000
deal with new children in foster care.		

Clarification of the Foster Parent Role:

During a time when foster home abuse allegations are very much in the public eye, the need of foster parents for affirmation and their desire for a greater role in planning and decision-making regarding the children has increased the tension between DHS staff and foster parents. DHS depends heavily on foster parents as primary care providers in a time of very scarce resources. This year the Department will:

- . Revise procedures and casework practice consistent with implementation of the role clarification.

Enhanced Support for Foster Parents

Foster parents comprise the basic essential system of care for children for whom the Department has responsibility. It is essential that we bolster that system by providing needed supports.

- . Increase supports to foster parents. Foster care/rate increase of 5% were requested in FY '90 with another 5% for FY '91.

	FY 90	FY 91
Foster Care/Rate Increase	330,000	645,000
Foster Parent Respite Program	70,000	70,000
Foster Children Clothing	40,000	45,000

Independent Living Skills for Older Adolescents:

Permanency planning generally is directed toward reunification with a parent and if this is not possible, adoption. However, development of independent living skills may be the long term permanent plan for older adolescents and those who will probably not be integrated into a permanent legal family. This year, with the use of federal funds for expansion of independent living programs for young adults age 16 and older, the Department will:

- . Continue the statewide implementation of Independent Living Skills plans developed in 1988.

Independent Living Plan (New Federal Funds).

	<u>FY 90</u>	<u>FY 91</u>
Training and Resources for Department staff, foster parents and other providers regarding planning and delivering independent living services.	140,000	
Client specific services, such as formal instruction in adult living skills.	400,000	
Program and policy development, coordination, quality in order to assist youth transition from foster care to adult living.	85,000	
Establish "Independent Living for Adolescents" in Regional Offices. Caseworkers in these units would work with approximately 50 non-compliant children who are 16 to 20 years of age. Each caseworker would work with approximately 50 children per year. (8 caseworkers - 2 supervisors - 2 clerical).	295,000	409,000

Adoption:

There has not been a comprehensive review of adoption and adoption laws in Maine in the last 25 years.

The Adoption Task Force, formed in 1988, will develop a report with recommendations for changes in Maine's current adoption programs.

- . Submit appropriately revised legislation carried over from the 1st session, 114th Legislature for statutory revisions of the adoption laws.
- . Implement recommendations from the Adoption Task Force Report.
- . Implement any authorizations made by the 1st session 114th Legislature.

	<u>FY 90</u>	<u>FY 91</u>
Increase funds for subsidized adoption program.	263,000	263,000

Timely Payments to Providers:

Slow and delayed payments for services provided to agency clients has a negative impact on a provider being willing to offer service to DHS clients and to children in State custody. This year the Department will:

- . Complete the system development and implement a computerized payments system for prompt and accurate payment of authorized purchased services.

C. QUALITY ASSURANCE

As national research, knowledge, training and standard setting impact the technical aspects of child protection, state programs need to continually evaluate their child protection policy, knowledge and skills, and provide staff training in order to ensure quality service delivery to abused and neglected children and their families.

Child Protective Quality Assurance System:

The severity and complexity of cases being served by Child Protective Services has increased significantly within the last decade along with expectations for quality casework and increased coordination with community resources. Even though Child Protective Casework Supervisors continually review this casework, the agency has not had resources to implement a system of more objective quality review.

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Administrators of the Child Protective Program along with casework supervisors recommend that the issue of quality review is so critical that the Department must establish a quality review system for Child Protective Services. There are growing ramifications for the liability of the agency and inability to assure that quality services are being provided to protect children.

- . Implement the plan for a Child Protective Quality Assurance System within the capacity of available resources.
- . Evaluate the effectiveness of the system within one year of its implementation.

	FY 90	FY 91
Child Protective/Quality Assurance System	<u>72,338</u>	<u>76,401</u>

Foster Care Administrative Case Review System:

The Foster Care Administrative Case Review system came into being with the passage of the Adoption Assistance and Child Welfare Act of 1980 (PL 96-272) which outlines the purposes of the review system:

- to assure that each child in care or custody of the Department of Human Services has a case plan which provides for appropriate substitute placement which addresses the special needs of the child;
- that the status of each child is reviewed either by a court or administratively with attention to the child's continuing need for placement, progress which has been made in alleviating the need for care or custody and to the projection of a date for permanent placement;
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The child is the focus of the review and the review panel strives to assure common recognition of the child's needs and to gain consensus among the participants on the most appropriate course of action, given the child's needs. The Case Review Managers often make recommendations for changes to case plans presented as well as assuring that responsibility for carrying out aspects of the plan is clear. Administrative Case Reviews conclude with a clear, written description of the child's needs, plan of action, specification of who is responsible for what parts of the plan and when each is to be accomplished.

- . Continue to identify systemic problems in the foster care and child protective system and present these issues for resolution to the appropriate administrative level.

Staff Development and Training:

In spite of the many orientation and training programs provided to staff, there remain significant gaps in our ability to orient, train, and provide continued education to all child welfare staff.

This Division needs a comprehensive training program design for all staff from the date they begin work. There needs to be a pre-service orientation and ongoing training based on the individual needs of staff positions and members, continuing education programs to keep staff current in their profession, and a computerized monitoring and tracking system for all of the above.

- . Request any additional or reallocated resources which would be required in order to implement the revised training system.
- . Implement a revised training system within the capacity of available resources.

Staff Needs and Supports to Meet Growing Service Needs and Quality Needs

	<u>FY 90</u>	<u>FY 91</u>
Hire additional staff to lower the caseload size in the Child Welfare Program, thereby enabling higher quality work and potentially lower turnover of caseworkers. (7 caseworkers, 1 supervisor, 1 clerical).	225,000	312,000
Staff a New Placements Resources Development unit to recruit and train therapeutic and professional homes for children.	52,500	70,000
Fund 2 caseworker positions to be stationed at Maine Youth Center to coordinate case plans and aftercare services for the 70+ foster children in the Maine Youth Center.	52,500	70,000
Establish a Commissioner's Strategic Task Force on Violence and Abuse to identify the various underlying causes of abuse and violence and to develop strategies to lessen violence and abuse in Maine.	60,000	

Management Evaluation System:

Bureau of Social Services does not have a management evaluation system with all of the components to monitor the status of clients over time so that direct links can be established between agency activities and the preferred status of clients. The Department is taking steps to:

- . Explore what resources are currently available for technical assistance, computerization and training for a child welfare management information evaluation system which is results-oriented.
- . Determine what changes/additions would be required in the current social services information system.
- . Develop and implement a plan for a revised management evaluation system.