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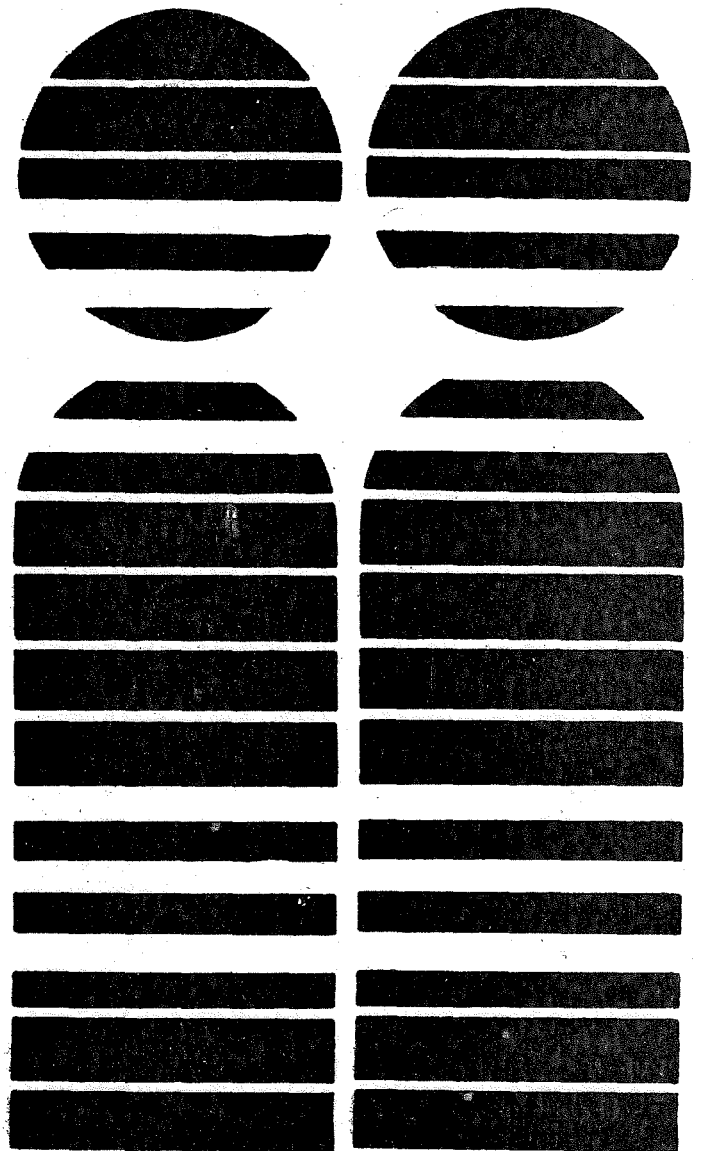
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What Happened to "Your Neighbor's Kid?" Foster Care One Year Later

Report of the
Child Welfare
Advisory Committee

Maine 1981

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October 1, 1981

Commissioner Michael R. Petit
Department of Human Services
State House
Augusta, ME 04333

Dear Commissioner Petit:


On behalf of the Child Welfare Advisory Committee, I am pleased to present the Committee's report on issues related to foster care for children.

Last year at this time I had the privilege of presenting to Governor Joseph E. Brennan, "Your Neighbor's Kid," the report of the Governor's Task Force on Foster Care for Children. In that report, the Task Force made recommendations for changes in the State's foster care program. The responsibility for implementing those changes fell largely on the Department of Human Services.

The enclosed report of the Child Welfare Advisory Committee describes the changes which have occurred in the foster care program during the last year. The Committee has attempted both to describe the Department's response to the recommendations of the Task Force and to evaluate the Department's actions. In some cases, we have included additional suggestions for further refinement of the foster care program.

The Committee deeply appreciates your openness to the views of Maine's citizens and your responsiveness to the recommendations of the Task Force. In addition, we wish to thank the many members of your staff who have provided this Committee with information and have shared their time and expertise with us. We look forward to a continuing partnership of private citizens and public employees on behalf of Maine's troubled children and their families.

Sincerely,

A handwritten signature in dark ink, appearing to read "Thomas H. Allen". The signature is fluid and cursive, with the first name "Thomas" and last name "Allen" clearly distinguishable.

Thomas H. Allen
Chairperson

THA/dja

WHAT HAPPENED TO "YOUR NEIGHBOR'S KID?"

FOSTER CARE ONE YEAR LATER

REPORT OF THE
CHILD WELFARE ADVISORY COMMITTEE
THOMAS H. ALLEN, CHAIRPERSON

OCTOBER, 1981

ACKNOWLEDGEMENTS

The Committee wishes to thank the many individuals who provided the information used in this study.

In particular, the Committee extends its thanks to Bureau of Social Services personnel who shared their time with the Committee: Nancy Goddard, Sandi Hodge, Betty Hurtubise, Neill Miner, Freda Plumley, Jeannette Talbot, Leonore Taylor, and Peter Walsh. Other Central Office staff who contributed to this report include: Russell Dodge, Staff Education and Training Unit; George Henry, Division of Personnel; James Smith, Legal Services; and Richard Willard, Office of Public Affairs and Communications.

The Committee also appreciates the efforts of Department regional staff who took time to participate in its public hearings. Regional staff who testified to the Committee were: Larry Cheever, Barbara Churchill, Ray Doucette, Mike Fasulo, Pam Glidden, Miriam Keller, Peter Morgan, Richard Totten, and Sandra Woodbury.

Finally, the Committee also wishes to thank Helen Patterson, Administration for Children, Youth and Families, for providing a federal perspective; Sue Harris, for her patient typing and retyping of drafts; and the many private citizens who provided testimony to the Committee.

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PREFACE

The report which follows describes the efforts of the Department of Human Services to implement recommendations made by the Governor's Task Force on Foster Care for Children. These recommendations were contained in the Task Force's report, "Your Neighbor's Kid," which was presented to Governor Joseph E. Brennan in September, 1980.

To structure its study, the Child Welfare Advisory Committee has followed the format of the Task Force's report. Therefore, sections of this report parallel those used in "Your Neighbor's Kid:"

- . Children entering foster care,
- . Caring for foster children,
- . Children leaving foster care,
- . Foster care personnel, and
- . The structure of the foster care program.

In each section, the Committee has presented, first, a description of the Task Force's recommendations and the Department's response and, second, its critique of the Department's efforts.

In its study, the Committee made use of several planning documents, to which it refers in this report. These documents are:

- . The State Child Welfare Services Plan for FY'82 and '83: the Department's major planning effort, detailing goals and objectives for the coming two year period. Developed by a team of regional and Central Office personnel, it is presented to federal representatives to qualify for federal child welfare funds.
- . The Proposed Comprehensive Annual Services Program Plan for Title XX and Related Social Services: the Department's plan for delivery of social services funded with federal Title XX funds. At the time of the preparation of this report, the Title XX plan was available in draft form only.
- . The Client-Oriented System Plan for FY'82 and '83: a document developed by the Child and Family Services Planning Committee which focuses on estimated service needs for the child welfare program over the course of the next two years.
- . The draft 5-Year Plan: a comprehensive plan setting long-range direction for the Department. At the time of preparation of this report, it was available in draft form only.

All of these plans are available for public review. Copies may be obtained from:

Department of Human Services
Bureau of Social Services
State House, Station 11
Augusta, Maine 04333

Throughout this report, references are also made to research conducted in conjunction with the Task Force's review. This research was carried out by staff of the Human Services Development Institute (HSDI), a component of the Center for Research and Advanced Study, University of Southern Maine. A full description of HSDI's research results are available in its "Foster Care Survey Report." Copies of this document may be obtained from:

Human Services Development Institute
Center for Research and Advanced Study
University of Southern Maine
246 Deering Avenue
Portland, Maine 04102

Finally, as noted above, the findings and recommendations of the Governor's Task Force on Foster Care for Children are described in its report, "Your Neighbor's Kid." Copies are available from:

Department of Human Services
Office of Special Projects
State House, Station 11
Augusta, Maine 04333

1.

I. OVERVIEW

WHAT HAPPENED TO "YOUR NEIGHBOR'S KID"?

AN OVERVIEW

In September, 1979, Governor Joseph E. Brennan convened the Governor's Task Force on Foster Care for Children. The group was comprised of 25 private citizens and public officials, who shared a common commitment to the welfare of Maine's foster children and their families. The Governor asked the Task Force to study Maine's foster care program and to make recommendations for its improvement. These recommendations were published in September, 1980, in the Task Force's report, "Your Neighbor's Kid."

The Department of Human Services, the state agency which administers the foster care program, has primary responsibility for implementing the Task Force's recommendations. In order to monitor the implementation of these recommendations, Commissioner Michael R. Petit convened the Child Welfare Advisory Committee in January, 1981. The Committee is made up of 16 Maine citizens, representing a cross-section of individuals concerned with the State's child welfare programs. The Department of Human Services provides staff support for the Committee.

Since January, 1981, the Committee has met monthly. Department administrators have described their efforts to implement the recommendations of the Task Force. In addition, the Committee conducted public hearings in July and August, 1981. At these hearings the Committee sought the viewpoints of Department regional staff and Maine citizens on changes which have occurred in the foster care program in the past year and how these changes have affected children and families.

This report describes and critiques the Department's response to each of the recommendations contained in the Task Force's 200 page report. In essence, the findings of the Committee can be summarized in four broad observations:

1. "Your Neighbor's Kid" has not been ignored: Throughout the Task Force's countless hours of deliberation, an undercurrent of skepticism ran through the group and those who testified before it. The unspoken question was "So what? What will become of this report and the energy that has been devoted to it?" In darker moments many voiced the fear that the report, like others before it, would gather dust in hidden corners of the bureaucracy.

In fact, the report has not been ignored. Rather, the Task Force's recommendations have become the basis for the working documents with determine Department policy and practice at present and for the next several years.

2. The Department has acted favorably upon the majority of the Task Force's recommendations: The Committee found that action on most of the Task Force's recommendations either has been completed, is in process, or is scheduled as part of the Department's next two-year planning cycle. Accordingly, major changes have taken place in the foster care program this year. Among the most significant changes are:

- . The targeting of child welfare resources to provide improved services for foster children and families in which child abuse or neglect is a problem;

- . The development of a more thorough foster parent training curriculum, a certification process for foster parents, and a recruitment program for foster parents of hard-to-place youth;
 - . The initiation of the Permanency Planning Project, a statewide effort to find permanent homes for children who have lingered in foster care;
 - . The reclassification of child welfare positions and development of performance standards for workers and supervisors;
 - . The design and implementation of a comprehensive in-service staff training curriculum; and
 - . The initiation of case review procedures for children in foster care.
3. Although the Department has taken major steps forward, some problems still remain: In testimony to the Committee, Maine citizens and Department staff pointed out several areas which require further attention. The Committee believes that in order to maximize the effectiveness of the foster care program, the Department must:
- . Continue its efforts to fix responsibility for the care, treatment, and education of non-state wards who require residential treatment;
 - . Develop a cohesive approach to dealing with the needs of adolescents;
 - . Develop a closer working relationship between the Department's social service staff and its attorneys in preparing cases for court; and
 - . Expand the role of citizens in its planning and case review efforts.
4. The most dramatic change in the Department over the past year is the commitment of staff at all levels to finding permanent homes for foster children: Throughout the Committee's investigation, Department staff at all levels appeared united in their commitment to the program goal of permanency planning for foster children. Although staff may not always agree on the best method of implementation, the Committee is heartened to see this firm recognition of a common aim. The Committee hopes that this commitment will sustain Department staff through the growing pains which are inevitable as any organization experiences major change.

In short, the Committee commends the Department for an ambitious beginning, but cautions that the work is far from completed. Like every child, "Your Neighbor's Kid" needs continued care and guidance in order to grow.

II. CHANGES IN MAINE'S FOSTER CARE PROGRAM

CHILDREN ENTERING FOSTER CARE

1. WHAT HAPPENED?

"I was eating a peanut butter and jelly sandwich and all of a sudden I saw my grandmother and my mother come sobbing into the house. 'Susie, you got to go, boohoo, boohoo.' And I said, 'What!' And she said, 'You got to go, you can't live with me,' and I said, 'What!' So the next day here comes the social workers, tromping into the house. My mother started screaming and crying. They packed my clothes.

"I was scared to death because I didn't know what was happening. I didn't know what foster care was. I thought I was taken away because I wasn't acting right and my grandmother wasn't disciplining me right. Then I thought they took me away just for the fun of it. I didn't think about my mother having a drinking problem."

--foster child to the Task Force, 1980

During its year-long study, the Task Force found that entry into foster care was often frightening for children and confusing for their families. Lack of attention to early, thorough case planning sometimes made removal of children from home especially disruptive. The Task Force concluded that the Department of Human Services could do more:

- . To prevent the need for children entering foster care;
- . To minimize the trauma which children experience when placed in foster care; and
- . To improve case planning for children who enter care.

The Task Force maintained that removal of a child from his or her home should be truly a last resort. Furthermore, if removal is necessary, it should be carefully planned and sensitive to the need to preserve the child's existing relationships and cultural bonds.

One year later these problems have not vanished. However, the Committee found that in each of the areas mentioned above, the Department has taken steps to address the concerns of the Task Force.

Preventing the Need for Foster Care

Preventing the need for foster care means, first, preventing parents from abusing or neglecting their children. Second, in situations where the risk of abuse or neglect exists, it means using every possible resource to protect children without removing them from their homes. Finally, it means making

sure that children do not enter the foster care system for inappropriate reasons -- reasons other than protection from abuse and neglect.

The Task Force emphasized that child abuse is a product of family stress -- emotional and physical -- and that combatting the sources of this stress involves a widespread grassroots effort. It called for development of "community-wide child abuse prevention coordinating bodies" to develop local services to support positive family functioning: parent education classes, babysitting cooperatives, recreational activities, etc.

The Task Force called upon the Department to support these local organizations with consultation and technical assistance (recommendations 1a and 1b). At present, the Department is fulfilling this role: through a grant from the New England Resource Center for Child Protective Services, a full-time staff person provides ongoing assistance to the State's ten Child Abuse and Neglect Councils. Funding for this project is assured through September, 1982; it is unclear whether such assistance will continue beyond the expiration of the current grant.

When children are abused or neglected, or are in danger of abuse or neglect, the Department is responsible for protecting them from harm. Unless the danger to a child is life-threatening, the Department's Protective Services workers try to work with the family to alleviate the problem without removing the child from the home.

In order to help families to deal with problems leading to abuse or neglect, the Department contracts with numerous private agencies to provide services under the Title XX program. Such services include day care, nutrition services, family planning, homemaker services, mental health services, transportation, and others. The Department also offers a Voluntary Care program, which allows parents to request foster care for their children on a short-term basis in order to resolve problems without necessitating a court-ordered custody action.

The Task Force identified several problems with the delivery of these protective services: in some cases, services may not be available when families need them (for example, on weekends or at night). In other cases, there is simply not enough funding to provide services to all clients who need them (for example, transportation, voluntary foster care).

To address this problem within the context of limited social service funding, the Task Force called upon the Department to concentrate its resources on services which help abused or neglected children remain safely at home. Specifically, it suggested that the Department, first, assess each region's exact needs for protective services, and second, review all existing Title XX-funded services to determine whether they are accessible to, appropriate for, and effective with families in which child abuse is a problem (recommendations 1c-1e). The Task Force also called for an increase in funding to the Voluntary Care program (recommendation 1f).

The Department has taken several steps to ensure that its resources benefit abused or neglected children and their families. First, on an administrative level, the Department has refined its Client-Oriented System. The Client-Oriented System is a management tool which divides the Department's clients into distinct target groups and assigns to each group a priority, based on its

need for Departmental assistance. In allocating resources, funding is channelled first into those services which are critical for the highest priority clients. This year the Department has assigned its highest priority to children in foster care and its third highest priority (after adults in public guardianship) to children who are (or are reported to be) abused, neglected, or exploited by their families.

Within this context, the Department has responded to both of the specific recommendations which the Task Force made. From mid-November, 1980, through January, 1981, the Child and Family Services Planning Committee conducted its Protective Services Utilization Study. This study assessed all services available to the Department's protective services clients and identified gaps in these services. From this study, administrators were able to determine that the services most critically needed by families in which child abuse is a problem are: parent aides, day care, transportation, in-home counseling, respite care, emergency shelters, and big brother/big sister programs. This information was used to develop this year's requests for federal Title XX and IV-B funds. The Department's request for Title XX funds for FY'82 represents an increase of \$600,000 in purchased services for protective clients.

To evaluate the effectiveness of existing Title XX services, Division of Contractual Services staff will meet throughout the coming year with regional administrators. They plan to discuss services on a program-by-program basis. The Department's Child Welfare Services Plan for FY'82 calls for the development of a more systematic approach to monitoring the usefulness of Title XX purchased services and identifying needs (Goal II, Objective 1). This system should be in place by September, 1983. Data collected will be used to adjust the array of Title XX services offered in coming years.

In addition, the Task Force called specifically for increased funding of the Voluntary Care programs as an alternative to court-ordered foster care arrangements. Here budget figures reflect a noticeable, although not dramatic, increase: from \$123,000 in 1981 to \$150,000 in 1982. A reapportionment of Voluntary Care funds among regions is expected to maximize their use.

A final component of preventing children from entering foster care is recognizing and dealing with those children who are placed in state custody for inappropriate reasons. The Task Force identified several populations of children who enter care not because they are abused or neglected at home but rather because they are in need of services which can most readily be funded under the foster care program. Among these children are:

- . Children in need of out-of-home placement such as group home placement or residential treatment, for which their families are unable to pay;
- . Children in need of special education services for which their local school districts are unwilling to pay; and
- . Adolescents who are in chronic conflict with their families and/or are living on the streets.

In the first two categories, the Task Force noted that jurisdictional problems among the state's three Departments which relate to children (the Departments of Human Services, Mental Health, and Educational and Cultural Services)

encourage the entry of children into foster care. It is often difficult to obtain funding to pay for the care, treatment, and education of non-state wards who must enter a residential treatment or group home facility. If the child is in the custody of the Department of Human Services, the funding situation is much less complex. Therefore, the Department of Human Services is under pressure to petition for custody of children who may not be victims of abuse or neglect but do require special services.

The Task Force made several recommendations in this area. First, because documentation of the extent of this problem is not conclusive, the Task Force called upon the Department's Bureau of Social Services to monitor the entry of children into foster care to ascertain the frequency with which children enter state custody solely to fund special services (recommendation 2b). At present, no systematic monitoring is underway. However, Bureau personnel have expressed concern over this issue and have begun to scrutinize such cases more carefully to make sure that state custody is appropriate.

In addition, the Task Force endorsed the efforts of the Interdepartmental Committee (IDC) to resolve rate-setting problems concerning residential treatment centers and group homes (recommendation 2a). Finally, it called upon the Commissioners of Human Services, Mental Health, and Education and Cultural Services to submit a joint plan to the 110th Legislature for fixing responsibility for the care, treatment, and education of non-state wards who require out-of-home placement (recommendation 2c), and upon the Governor and the Legislature to commit ample funds to provide such services (recommendation 2d).

In response to this recommendation, the three Commissioners and their staffs jointly drafted a proposal, which was presented to the 110th Legislature as L.D. 1534. Two similar bills were presented. The bills went to conference and were redrafted as L.D. 1669. However, this bill presented several problems which could not be resolved and was not acted upon by the Legislature. Thus, the problem of responsibility for the care, treatment, and education of non-state wards who require out-of-home placement remains unchanged at this time.

In examining the problems of adolescents who enter the foster care system, the Task Force identified fundamental disagreements among Maine's private citizens and child welfare professionals concerning the role of the Department of Human Services with this turbulent population. Maine citizens agreed that it is appropriate for the Department of Human Services to petition for custody of teenagers who are physically abused by their parents or deprived of food, clothing, or shelter. However, in the case of teenagers whose own choices lead to jeopardy, the situation is more complex. Some Maine citizens argued that youth who are in chronic conflict with their families or who live on the streets are not appropriate clients for the Department of Human Services: these youth, they believe, have made an active choice of lifestyle; they do not want what the Department has to offer nor would it be ethical to try to force services upon them. Other Maine citizens believe that because the choices made by these youth are destructive, they are a vulnerable population, children at risk. Therefore, the Department has the obligation to try to protect them, and custody is the best way to assure the provision of service.

In its report the Task Force endorsed a third position. It concluded that the Department should provide services for these youth, without necessarily

petitioning for custody. Therefore, the Task Force recommended that the Department support non-custodial services which are appropriate for troubled adolescents: further funding for the Voluntary Care program, with a corresponding emphasis on implementing voluntary financial support arrangements with parents (recommendations 3a and 3b), and contracting with private agencies for provision of food, shelter, and referral services for youths who live on the streets (recommendation 3c).

The Department's position in this debate is unclear at this time. However, in its Child Welfare Services Plan for FY'82 and '83, the Department commits itself to address this problem through the establishment of "additional policies or guidelines which will aid workers in coping with the needs of adolescents" (Goal IV, Objective 2). These policies are scheduled to be in place by June, 1982.

Without an official stance towards the needs of adolescents at the present time, the Department has not acted assertively on the recommendations of the Task Force in this area. As stated above, Voluntary Care funds have been increased, although not dramatically. The question of increased use of voluntary support arrangements is identified as a need in the first draft of the Department's 5-year plan, but is not assigned a high enough priority to be included in the plan for the next two-year cycle. Finally, the Department has not acted upon the Task Force's call for the provision of non-custodial services for adolescents who live on the streets (e.g., hostels, soup kitchens). Here, some Department administrators have indicated their belief that this is not an appropriate (or, at least, not a high priority) service for the Department to offer.

Minimizing the Trauma that Children Experience

In some cases, a child cannot be adequately protected from harm without removing him or her from home. When removal is necessary, the Department may petition for custody and place the child in foster care. Because any disruption of a child's relationships with the caretaking adults in his or her life may be painful, Department policy specifies a comprehensive array of pre-placement services aimed at minimizing the fear and confusion which the child experiences. These services include: visits with the prospective foster family, a written visiting plan with the child's biological family, sharing of information about the child's history with the foster family, and others. Yet the Task Force found that in many cases these services are not provided. In its recommendations, therefore, it called for the implementation of a full range of pre-placement services for children, their families and foster families (recommendations 4a-4c).

Department staff have acknowledged that policies and procedures which are designed to help children adjust positively to foster care are not consistently applied. Specifically cited as problem areas in the FY'82 and '83 Child Welfare Plan are the following:

- . Written plans for visits with the natural family
- . Involvement of the child's present school with his/her new one to insure educational continuity

- . Visits with the Substitute Care worker alone to allow the child to discuss his/her feelings about placement
- . Provision of adequate information to foster families.

In its Goal III, Objective 1, the plan calls for (1) an assessment of the level of compliance with these policies within each region and (2) development and implementation of strategies to improve workers' performance in these areas. Target date for completion of this project is June, 1982.

Because crisis situations often require the immediate removal of children from their homes, the Task Force also cited the need for improved emergency care placements to provide temporary shelter for children. Accordingly, the Task Force recommended an assessment of emergency care needs in each region and the allocation by the Legislature of adequate funding to meet these needs (recommendation 4d).

As described above, the Protective Services Utilization Study, conducted by the Child and Family Services Planning Committee, identified emergency shelters as a priority need. Accordingly, the Department has requested increased Title XX funds for emergency placement resources: an increase from \$263,000 in 1981 to \$364,000 in 1982.

Improving Case Planning

A final issue related to entry of children into foster care is the lack of early, adequate case planning. The Task Force concluded that an effective case plan, devised upon a child's entry into foster care, lays the groundwork for his or her prompt exit from the system. Such a case plan must be developed by the worker in conjunction with the child's parents, foster parents, and child (if appropriate) and must include concrete objectives along with time frames for their completion.

In studying case plans of Maine's foster children, the Task Force found that the quality of case planning is not adequate. Furthermore, a significant legal obstacle hinders the improvement of case planning: under Maine law, the Department of Human Services must work towards reunification of a child with his or her family for at least 90 days following the decree of a final protection order by District Court; after that time, if return home seems unlikely, the Department may begin to actively pursue other permanent plans for the child (e.g., adoption). However, over half of Maine's foster children enter care under a temporary arrangement called a preliminary protection order. While the preliminary order is in effect, no plans for the child, other than return home, may be pursued. Yet, the law allows this "temporary" arrangement to last indefinitely. Therefore, for some children meaningful efforts to establish permanent homes may be seriously delayed.

The Task Force addressed these problems by calling for an amendment to Maine law which would specify that the hearing on a final protection petition must be held within 90 days of filing of that petition, unless the court (after a hearing and a show of good cause) decides that a continuance should be granted (recommendation 5a). The Department chose not to submit such an amendment: administrators and legal staff expressed concern that if, for any reason, a hearing could not be held (e.g., difficulty in locating a parent or witness,

etc.) the court would lose jurisdiction on the 90th day and children might be returned home to an unsafe situation. This possibility, they believe, outweighs the dangers of children lingering in foster care due to the indefinite duration of the preliminary protection order.

Finally, the Task Force also called for the development of a separate policy on case planning, specifying time-limited objectives which lead to the goal of a permanent plan for children in care. It further specified that these case plans should be developed with the participation of parents, foster parents, and child (when appropriate) and that workers should receive training in the development of these plans (recommendations 5b and 5c). Division of Child and Family Services personnel plan to revise case planning policy this year. Specific changes to be made have not been identified at this time.

2. THE COMMITTEE'S CRITIQUE

The Committee commends the Department for taking positive steps to address the issues raised by the Task Force. While it recognizes that changing a large system takes time and money, the Committee is optimistic to note that almost all of the recommendations which the Task Force made in this section have either been accomplished or are incorporated into the Department's next two-year planning cycle.

Of particular interest to the Committee are the Department's efforts to direct its resources toward services which are especially appropriate for abused and neglected children and their families. The Committee is pleased to note that the Client-Oriented System planning process assigns these individuals a high priority for Departmental service. Furthermore, those services which the Department has identified as critical (as determined by the Protective Services Utilization Study) correspond almost exactly to those most frequently cited by Maine citizens in testimony to the Task Force.

Because many of the recommendations of the Task Force in this section have been planned but are not yet implemented, the Committee is unable to comment on their effectiveness. However, the Committee is encouraged that these activities are now included in the Department's next two-year plan. If they are carried out as scheduled, children and families throughout Maine will benefit.

The Committee's major disappointment with issues addressed in this section is the Legislature's failure to act on an interdepartmental plan fixing responsibility for the care, treatment, and education of non-state wards who require residential treatment services. Recent testimony to the Advisory Committee confirms that the lack of a plan in this area still places pressure on the Department to assume custody of children to ensure the provision of special services. The Committee urges the Department to document carefully the extent of this problem. It also urges the Commissioners of Human Services, Mental Health, and Education to submit another plan for the resolution of this issue during the next Legislative session.

CARING FOR FOSTER CHILDREN

1. WHAT HAPPENED?

"When my first child was born, 4½ years after my marriage, I asked my doctor, 'How do you love more than one person at a time?' He said that would come naturally. And with each child I had, my ability to love would increase.

"That was 18 years ago. And now I have so much love to give there aren't enough kids around to use it all up."

--- Foster parent to the Task Force, 1980

Throughout its investigation, the Task Force was impressed by the warmth and concern which Maine citizens expressed on behalf of foster children. Yet at the same time it was alarmed that barriers existed which prevented children from receiving high quality care. The Task Force heard testimony from foster children who were inappropriately placed, from foster parents who were not prepared to deal with the troubled children living in their homes, from natural parents who felt isolated or alienated from their children in care. From its study, it concluded that the Department must:

- . Develop a broader range of placement resources;
- . Improve services to foster parents, natural parents, and foster children; and
- . Ensure regular review of foster care cases.

Developing a Broader Range of Placement Resources

The Task Force found that many of Maine's foster children present special challenges to those who care for them: over half are teenagers; almost half have at least one behavioral, intellectual, or physical problem which requires special attention. In addition, approximately 5% are minority children (black or Native American), for whom placement with a minority family is preferable.

In contrast, the Task Force found that many of Maine's 1,000 foster families are unable or unwilling to accept placement of special needs children. In addition, the Task Force identified a considerable degree of uniformity in the characteristics of foster families: almost all are white, Protestant, married, two-parent families; the majority are middle class and have received education or training through high school or beyond. While such families are excellent resources for some foster children, other children require families that are non-traditional in composition or lifestyle: for example, single parent, lower income, or minority families.

To address these problems within the foster family pool, the Task Force called for a comprehensive effort to recruit a broader variety of foster families, particularly families for children with special needs. To coordinate this effort, it called for the hiring of a full-time, Central Office staff member and identification of regional "recruitment specialists" from among existing regional staff. Finally, it specified that this effort should employ "innovative methods" such as use of the media or foster parent associations (recommendations 6a-6d).

In response to these recommendations, a statewide recruitment effort is now underway. Although a new staff person was not hired due to funding constraints, responsibility for implementing a statewide recruitment program has been assigned to a staff member in the Division of Child and Family Services. A workgroup comprised of Central Office and regional staff has developed a statewide plan for recruitment; each region has also developed its own plan.

While statewide efforts were originally designed to attract more foster families for all foster children, recent work has been aimed at finding homes for teenagers. Accordingly, the Department began to run TV ads for foster parents of teenagers in May, 1981. Plans are underway for a follow-up ad to encourage application of foster parents for other hard-to-place children (e.g., handicapped children, minority children).

To document local recruitment efforts, regional homefinders are now required to submit quarterly reports to Central Office. Activities which regional staff have undertaken include: newspaper and radio ads, speaking engagements at churches, work with local Foster Parent Associations to encourage word-of-mouth recruitment, information booths at fairs, and work with local Child Abuse and Neglect Councils.

The Task Force also recommended that a separate budget be established for recruitment expenses. Accordingly, \$10,000 has been identified for this purpose in the 1982 child welfare budget. This money will be used to purchase audio-visual equipment, pay foster parents for transportation expenses for recruitment activities, purchase bumper stickers and other similar projects.

Despite the dramatic increase in recruitment efforts, Central Office staff report that the number of new foster homes and foster home license renewals is dropping. Workers believe that two factors are involved: a weeding out process, in which homes that were inappropriate or rarely used are not reapplying, and lack of adequate pay for foster families. The latter concern is discussed below (see p. 18).

The Task Force also identified licensing criteria and procedures as a stumbling block to effective recruitment. Many lower income and minority families hesitate to apply to be foster families because they anticipate problems with licensing. To encourage such families to become foster families, the Task Force called for a revision of licensing criteria in order to emphasize parenting ability and the development of a uniform procedure for home studies of foster families (recommendation 6e); furthermore, it stressed that appropriate Department staff should be trained in conducting these home studies (recommendation 6f). The Task Force also specified that a clear procedure should be outlined for the waiving of licensing standards when in the best interest of the child (recommendation 6h). Finally, in cases of

special need, Departmental assistance should be available to help families meet licensing requirements which are above the general standard of safety of homes in their community (recommendation 6g).

In response to the Task Force's recommendations in this area, a workgroup comprised of Central Office and regional staff is in the process of revising licensing criteria. The purpose of this revision is to make licensing criteria more flexible; for example, the Committee hopes to eliminate such criteria as upper age limits for foster parents and the requirement that foster homes have screens on their windows. The group is also devising a separate, more flexible set of rules for homes to be licensed for the care of adolescents, ages 16 and 17.

Finally, as requested by the Task Force, the review will provide for a written waiver of certain licensing requirements if the worker believes that this is in the best interest of the child. However, Department personnel point out that some health and safety requirements, such as fire safety inspection, are mandated by law and cannot be altered.

The Committee plans to have the draft rules finished by the fall of 1981 and will hold public hearings at that time. Rules will be finalized after public hearings are completed.

Two Task Force recommendations not addressed by this group are the request for development of a uniform home study process for prospective foster parents and the provision of Departmental assistance to families in meeting licensing requirements which are above the safety standards of other homes in their neighborhoods. In the case of the latter, Department personnel point out that at the present time the Department pays for prospective foster family's water test and fire inspection and does not charge a licensing fee. Medical examinations and home improvements necessary to meet fire safety codes remain the responsibility of the foster family.

In addition to foster families, other resources for foster children with special needs include therapeutic foster homes, group homes, and residential treatment centers. These programs can and do serve hard-to-place children; yet the Task Force found that space available for foster children is quite limited.

Assessing the whole spectrum of placement options available at this time, the Task Force identified four groups of children who are most underserved by the current alternatives. These are: teenagers, children in need of therapeutic care, developmentally disabled children, and minority children. In the first three cases, the Task Force made a number of specific recommendations for additional resources (recommendations 6i-6o and 8b-8c). These requests (and the Department's response to them) are detailed below:

- . Increased use of single foster parents: At present the Department's licensing guidelines present no barriers to using single individuals as foster parents. The number of single foster parents has increased somewhat, although not dramatically, in the last year.
- . Clarification of guidelines for semi-independent living and increased use of semi-independent living arrangements for adolescents: Central Office staff has begun to study the questions raised by semi-independent

living arrangements. Written guidelines from other states have been requested and received. Staff plans to develop written criteria for semi-independent living within the coming year. At the present time, the Department is planning to contract with one private agency to develop a pilot semi-independent living program for adolescents in foster care. Department personnel plan to evaluate this program and, if it is successful, may contract for similar programs in other regions.

- . Development of hostel programs for street youth: At the present time, no hostel programs are planned. As discussed above, some Department administrators have expressed the belief that this is not an appropriate service for the Department to offer.
- . Development of guidelines for therapeutic foster homes: A Therapeutic Foster Home Task Force (a joint effort of the Department of Human Services, Department of Mental Health, and Department of Education and Cultural Services) is now studying this issue. In July, the group's Evaluation Team released its interim report, a comparison of the treatment components of therapeutic foster homes under the auspices of four agencies (three private agencies and one regional Department office). The Task Force plans to examine the interim findings, develop recommendations, and publish its final report on the effectiveness of therapeutic foster care in the spring of 1982. Further action on the development or funding of therapeutic foster care programs awaits the findings of this group.
- . Increased purchase of group home slots for teenagers and developmentally disabled children: In FY'81, the Department spent approximately \$955,000 on group home slots for an average of 100 children per month. Projections for FY'82 call for spending approximately \$1,036,000 for group home slots for roughly the same number of children.
- . Increased purchase of residential treatment slots available for children and adolescents in need of therapeutic care: In FY'81, the Department spent approximately \$1,202,000 on residential treatment for approximately 90 children per month. For FY'82, the Department anticipates serving approximately 100 children per month at a cost of \$1,494,000. Department administrators point out that the Department does not plan a dramatic increase in purchase of residential treatment services for foster children for two reasons: first, such treatment is expensive and resources are limited; second, and perhaps more critical, the Department is shifting its emphasis away from institutional care towards community-based, family care whenever possible.
- . Development of a pilot project involving the contracting out of foster care services for adolescents to a private agency: Department personnel believe that contracting out all foster care responsibilities would abdicate their legal mandate to provide these services. However, the pilot semi-independent living program described above proximates this arrangement: here the Department would retain overall responsibility for the child's care and case planning; however, the private agency would be responsible for the child's placement in an appropriate living situation and for providing support services for families. This arrangement is discussed in greater detail below (see p. 52).

The question of development of appropriate resources and services for minority children in foster care is more complex. The Task Force recognized that all foster children need placements which enhance rather than destroy cultural ties. It also acknowledged that the relationship of the Department to Native American children in foster care raises special political and social considerations. At the time of the Task Force's study, federal courts were in the process of resolving the question of the State of Maine's relationship to federally-recognized Tribes. For this reason, the Task Force concentrated its recommendations on issues relating to off-reservation Indians.

The Task Force recommended that the Department:

- . Work with representatives of off-reservation Indian agencies and tribal governments to develop appropriate methods for recruitment and licensing of Indian foster homes (recommendation 6q);
- . Provide consultation and technical assistance to Indian groups to enable them to assume these responsibilities themselves (recommendation 6q);
- . Notify appropriate Indian agencies when it comes into contact with a child who is or may be Indian (recommendation 7a);
- . Involve Indian agencies as mediators in foster care cases involving Indian children (recommendation 7b);
- . Provide Title XX or IV-B funds to off-reservation Indian agencies not eligible for Indian Child Welfare Act funds; and
- . Provide cultural supports for Indian children freed for adoption (recommendation 7e).

The Department has taken steps to address several of these recommendations. First, it has defined clarification of provision of services to off-reservation Indians as an objective for the coming year (Goal VII, Objective 4). In addition, it has developed policy regarding identification of Indian children and has, in fact, identified all Indian children who are currently clients of the Department. Furthermore, Indian representatives have been invited to attend Title XX-funded child welfare training.

Development of a full range of services and resources for on-reservation Indian children has been hampered by political considerations of a broader scope: the question of responsibility for provision of child welfare services to Indian children is linked to the larger issue of sovereignty of the Indian nations. Not until the recent resolution of the Indian Land Claims Case did jurisdiction over Indian children become clear. At this time the court granted to federally-recognized Tribes the power to petition for exclusive jurisdiction over on-reservation matters, including child welfare services. At this writing, the Penobscot Tribe has petitioned for and received exclusive jurisdiction; the Passamaquoddy Tribe is in the process of doing so. The Department has jurisdiction over all children who are off-reservation and children who are less than $\frac{1}{4}$ Indian, whether on- or off-reservation.

This clarification has cleared the way for development of working agreements between the Department and the Indian nations. However, recent testimony to

the Advisory Committee indicated a good deal of frustration with this process: Department staff have expressed confusion over what type of assistance Indians want; Indian representatives have charged the Department with withholding assistance and being unresponsive to their needs. Personnel changes have further confused the negotiation process. At this writing, dialogue between the Department and the Tribes is continuing in an effort to develop a more positive working relationship.

Improving Services to Foster Parents, Natural Parents, and Foster Children

The Task Force reported that the quality of care which foster children receive is diminished by the Department's inability to provide adequate services to the foster and natural parents of these children as well as to the children themselves.

In examining the problems of foster parents, the Task Force identified three issues: lack of support, lack of training, and lack of adequate pay. The Department has assigned a high priority to addressing issues relating to training and pay; due to financial limitations, recommendations involving support have received a relatively low priority.

In the latter category, the Task Force recommended expansion of the respite care program (recommendation 9a), provision of liability insurance for foster parents (recommendation 9b), and support of existing and additional Foster Parent Associations (recommendation 9d). All three of these issues are addressed in the Department's 5-year plan, but assigned a Priority III: "useful initiative, but less pressing, to be taken on only as time and money permit." Because of limited funds, projects which have been assigned a third priority are not likely to be accomplished during the upcoming biennium.

In its recommendation 9c, the Task Force called for an increased show of recognition by the Department for work performed by foster parents. Here, the Department has been more responsive: Region III, for example, publishes a newsletter which highlights foster parents' work; during the past year, Regions II, III and IV have sponsored various activities to show their appreciation for foster parents.

In discussing training for foster parents, the Task Force noted that Departmental expectations of foster parents have changed dramatically in recent years. Foster parents are increasingly asked to provide care for multi-problem youngsters; they are also expected to serve as part of that child's treatment team by helping to prepare the child for return home or adoption. To prepare foster parents for this role, an orientation program and some training have been offered in all regions. However, the Task Force strongly endorsed the need for a more comprehensive approach to training.

Specifically, the Task Force called upon the Department to initiate a certification process for foster families. Such a program would specify skill levels which foster parents could attain by attending training sessions. To provide incentives, foster parents who attain higher skill levels would be eligible for stipends, in addition to the basic board rate for children in their care (recommendation 9e). As a further incentive, the Task Force recommended that the Department reimburse foster parents for babysitting and transportation expenses incurred while attending training (recommendation 9i).

The Task Force suggested that the Department's Staff Education and Training Unit develop a comprehensive foster parent training curriculum, reflecting certification standards (recommendation 9f). To implement this curriculum, a staff member from the Bureau of Social Services and each regional office should be designated as training coordinators (recommendations 9g and 9h). Finally, the Task Force specified that because some foster parents wish to develop professional level skills, personnel from the Staff Education and Training Unit should also explore the initiation of an A.A. degree program in foster parenting with the University of Maine (recommendation 9j).

In response to these recommendations, a committee comprised of Central Office staff, regional staff and foster parents have met to develop a certification program. At this writing they have identified a core curriculum of 6 courses and 10 electives which will comprise the state's foster parent training program. They are in the process of developing criteria for certification, including eligibility, acceptance of alternatives to Department-sponsored training, etc.

The committee plans to submit its recommendations to the Child and Family Services Planning Committee in October, 1981. If accepted, the program will go into effect September, 1982. Department staff project that the first certificates will be awarded in September, 1983.

Because the program is still in the planning stages, the Department has not yet requested funds to serve as stipends for certified foster parents. When the process is implemented, the Department will include money for stipends in its annual request for funds from the Legislature. Funding levels have not been set at this time.

In other areas of concern to the Task Force, Department personnel note that the Department presently is able to pay foster parents' transportation expenses for training activities; no action has been taken on the request to reimburse foster parents for babysitting expenses. In addition, personnel from the Staff Education and Training Unit have researched the possibility of developing an A.A. program in foster parenting at the University of Maine. They have decided not to pursue this idea, because they believe that the Department can deliver a program that is more responsive to foster parents' needs at a lower cost by contracting directly with individual trainers.

In addressing the issue of payment for foster parents, the Task Force unanimously agreed that current levels of payment are too low. At the time of publication of the Task Force report, foster parents received between \$139 and \$219/month for the care of foster children; in addition, they received a clothing allowance ranging between \$12 and \$29. Many foster parents testified that such rates did not cover their out-of-pocket expenses for foster children.

Yet the Task Force found that the question of setting foster care payment rates is a thorny one. Few disagreed that foster parents should recover 100% of their expenses on behalf of a given child; however, determining the cost of caring for a child is difficult. Furthermore, many individuals argued that rates should be tied to a mechanism that automatically provides cost-of-living increases.

The Task Force recommended (a) that foster parents be reimbursed for at least 100% of the cost of caring for foster children and (b) that a Foster Care Implementation Committee make recommendations on a better method of foster care rate-setting (recommendation 9k). To date, the Foster Care Implementation Committee (now known as the Child Welfare Advisory Committee) has not begun to study this issue.

In order to address the immediate financial needs of foster parents, the Department presented a bill to the 110th Legislature calling for a 10% increase in board rates for foster children. The bill passed, raising rates to between \$153 and \$241 per month, depending on the severity of the child's problems. In addition, foster parents now receive \$13 to \$32 per month for clothing, depending on the age of the child.

To address the broader problem of establishing an effective, consistent method of foster care rate-setting, the Department's Child Welfare Services Plan for FY'82 and '83 calls for the establishment of a review group to examine rates, make recommendations, and revise the current classification system (Goal V, Objective 3). Target date for completion of this project is September, 1983.

While the above factors combine to diminish the quality of care which foster parents may provide, the Task Force also identified three factors which diminish the quality of the natural parents' involvement with their child in foster care. First, in many cases, the Department's expectations of natural parents are not clearly stated; accordingly, natural parents testified to feeling confused about their role and alienated from their child and his or her caretakers. The Task Force recommended the use of comprehensive written agreements with natural parents, specifying mutual expectations, visitation agreements, case plans for the child and other relevant material (recommendations 4b and 10a).

This concern is addressed in the Child Welfare Services Plan for '82 and '83 (Goal III, Objective 2). Here the plan calls upon the Department "to fully implement existing DHS policies and procedures (including federally required safeguards) related to natural parents." Staff have acknowledged inconsistent use of signed, written agreements with parents (see also p. 9), quarterly updates of plans, and prompt written notification of parents of any decisions affecting the child's placement or visitation. The Child Welfare Services Plan calls upon the Department to assess the level of compliance with these policies in each region and to develop strategies to improve workers' performance. Target date for completion is December, 1982. The Task Force's second concern, increased use of voluntary support agreements (recommendation 10b), is dealt with above (see p. 9).

The Task Force's third concern was lack of transportation for parents visiting their children in foster care. Here, the Task Force recommended that in cases of financial hardship, the Department should reimburse parents for mileage costs incurred while visiting their children in care (recommendation 10c). The Task Force also suggested that the Department investigate the use of Title XX transportation funds for this purpose (recommendation 10d) and the use of volunteers to provide transportation directly (recommendation 10e).

For the coming year, the Department has identified approximately \$12,000 of Title XX funds for transportation on demand to substitute care clients. This money can be used to provide transportation for parents visiting foster

children. However, federal Title XX regulations still prohibit Title XX funds from being paid directly to clients; therefore, natural parents may not be directly reimbursed for their own mileage costs.

To examine the question of use of volunteers (for transportation as well as other functions), the Department has initiated a Volunteer Task Force. Composed of administrative staff from several Bureaus and regional offices, the Task Force began meeting in December, 1980. It will develop a plan for the use of volunteers for a wide range of Department functions by fall, 1981.

Finally, the Task Force found that foster children also need improved services. Because foster children move from home to home frequently, they experience disruptions in schooling. Often, school personnel and foster parents do not receive sufficient information about the child's educational needs. Therefore, the Task Force recommended that caseworkers gather and communicate information about the child's educational history to his or her new school (recommendation 11a) and to foster parents (recommendation 11c). In addition, the Task Force recommended that prior to foster placement, the worker should encourage a child and his or her natural parents to visit the child's new school (recommendation 11b).

These recommendations call largely for consistent implementation of existing policies. This need is addressed in the Child Welfare Services Plan for FY'82 and '83 (Goal III, Objective 1). As in the case of other services cited above, the plan calls for assessment of compliance levels and development of strategies to improve performance by June, 1982.

The Task Force also identified a reluctance of some school districts to serve foster children. They are often seen as troubled children with many special educational needs, whose parents are not part of the community that supports the school. To alleviate this problem, the Task Force recommended that the Department of Educational and Cultural Services be responsible for payment of all educational expenses for foster children who are not in their home district (recommendation 11d). No action has been taken on this recommendation.

Funding problems also diminish the quality of mental health services which some foster children receive. Foster children are eligible for mental health services under Title XIX Medicaid funding. Yet Medicaid reimburses therapists at a rate which is significantly lower than that which they receive from private patients; furthermore, the Medicaid reimbursement system is cumbersome and time-consuming. For this reason, many highly qualified therapists are hesitant to work with foster children. Furthermore, while Medicaid will pay for the therapeutic expenses of foster children, it does not cover mental health services for individuals who are involved with foster children, e.g., foster parents or prospective adoptive parents.

To deal with these problems, the Task Force recommended that the Legislature appropriate enough state funds to allow Maine to receive the maximal amount of federal Medicaid funds and that the Bureau of Medical Assistance raise the rate of Medicaid reimbursement for therapists (recommendation 11f). It also recommended that the Department purchase services from private mental health agencies to provide therapeutic services for individuals who work with foster children (recommendation 11g). The Task Force called upon the Department of Mental Health to ensure that community mental health centers provide quality

mental health services to foster children and all families in which child abuse and neglect is a problem (recommendation 11e).

Resolution of problems surrounding payment to therapists are hampered by severe limitations of Medicaid funds. Because current funding problems are jeopardizing many existing Medicaid services, raising payment to therapists is impossible at this time. However, a change in the Medicaid rate schedule during the past year did result in a rate increase for mental health evaluations required as preparation for court action. With this raise, the Department is able to pay psychologists \$40/hour and psychiatrists \$60/hour for up to 3 hours per client.

A final area of concern is the preparation of foster children for independent living as adults. First, the Task Force called upon the Department to develop a thorough policy addressing this issue (recommendation 11h). This need is reflected in the Department's Child Welfare Services Plan for '82 and '83. In its Goal IV, Objective 3, the plan requires the identification of the "skills, knowledge, abilities (which) foster children need to function independently as adults" and development of methods to acquire such skills. At this time Central Office staff is in the process of assembling a workgroup to undertake this project. The group will develop a program which specifies responsibilities of workers, foster parents, and foster children.

Other Task Force recommendations relating to the preparation of foster children for adulthood (and the Department's response to them) include:

- . Clarification in the Foster Parent's Manual of the Department's role in supporting higher education (recommendation 11i): not addressed at this time.
- . Provision of support groups to adolescents preparing to leave foster care (recommendation 11j): carried out on a trial basis in Region I, using a social work student.
- . Inclusion of curriculum on preparation for adulthood in foster parent training (recommendation 11k): no separate course is given under this title, although issues are addressed in courses dealing with the needs of the adolescent foster child.

Ensuring Regular Case Review

The Task Force concluded that the best way to prevent children from lingering unnecessarily in foster care is to review cases regularly. Many options for case review exist. Among them are:

- . Supervisory review, in which workers and supervisors discuss case plans and objectives;
- . Administrative review, in which Central Office personnel with no direct casework responsibility join the review effort; and
- . External review, which is not conducted by child welfare personnel, but rather by members of the judiciary or private citizens.

In Maine, some form of each of these three types of review exists. However, the Task Force concluded that the review effort needed significant improvement.

Department policy specifies that supervisors and workers should consult on a child's case at least every three months for a new case and every six months for children in long-term care. Yet many supervisors testified that because of large supervisory workloads they are unable to meet this demand. In this area the Task Force recommended that practice be brought into line with policy: supervisory review of cases every three months for the first year and every six months thereafter (recommendation 12a). Department personnel hope that improvement of training for supervisors (see p. 42) and reduction of supervisory workloads (see p. 43) will facilitate compliance with this policy.

At the time of the Task Force investigation, administrative case review was in the beginning stages: two Substitute Care Program Specialists were hired in Central Office to consult with regional staff on foster care cases. The Task Force recommended a more systematic approach to this problem: the establishment of an Administrative Case Review Unit responsible for the semi-annual review of cases of all children who remain in care for six months or more. It called upon the Legislature to fund this effort (recommendation 12b) and for the Department's computerized information system to be programmed to track children due for case review (recommendation 12c).

The case review system recommended by the Task Force roughly parallels that which is now mandated under federal law P.L. 96-272. This law, which provides the State with funding to be used in the initiation of a formal case review system, was passed in the final weeks of the Carter administration. However, because of the change of administration, its fate (and funding level) was unclear until July, 1981. Therefore, development of a system which is in compliance with federal regulations, using federal funds, was seriously delayed.

Yet despite confusion over federal participation, Department staff have used the last year to initiate regional case review systems. At the present time, all five regions have implemented regular case review. The nature of and participants in the review process vary: in some regions, reviews are conducted by the Assistant Regional Director with participation of supervisors and workers; in other regions the review group has expanded to include Substitute Care or Protective Services Program Specialists, Regional Directors, foster parents, natural parents, foster children (if appropriate), and/or other interested parties (e.g., relatives, psychologists, teachers, etc.).

The Child Welfare Services Plan specifies that the Department's next steps in this area are to design a formal case review system which both reflects current regional practice and meets federal expectations (Goal I, Objective 2). Then the Department must obtain federal funds for the system, hire and train staff, and implement the process. September, 1982, is the date set for completion of a system capable of reviewing 100% of foster care cases. By December, 1983, the Department hopes to expand the system to include Protective Services cases.

Finally, in July, 1980, Maine's new child welfare statute went into effect, mandating the state's first external review, a judicial review of each child within 18 months of entry into care. The Task Force applauded this provision as a positive step; however, because of the effectiveness of citizens' review in other states, it also called upon the Governor to appoint a citizens'

Foster Care Review Commission to examine reandomly-selected foster care cases (recommendation 12d). Department administrators are reluctant to implement a separate case review body; however, they have expressed interest in incorporating citizens into the Department's federally-mandated administrative review system.

2. THE COMMITTEE'S CRITIQUE

The Committee believes that the Department has made a good start in improving the care which foster children receive. However, because this is an area in which the need for change is great, further work is necessary in many areas.

Attempts to broaden and upgrade the foster family pool exemplify this need. Significant energy has been applied to the recruitment of foster families for hard-to-place children. For the first time, the Department has a central coordinator monitoring five regional recruitment efforts. Television advertising has given the program statewide visibility. Yet the Committee is concerned that, even with this effort, applications and renewals are dropping. It is simply more difficult to find families for Maine's foster children now than in the past. For this reason, the Committee stresses that recruitment cannot be considered a frill, but rather a vital part of maintaining the quality of the foster home program. The current efforts are a major step in the right direction; in order to reverse the trend of decreasing foster family resources, these efforts must continue to receive Departmental support through commitment of additional staff time and funds.

Another area in which the Department must continue to support the efforts which have recently taken place is foster parent training. Development of a certification program for foster parents is an exciting step forward: it reflects an increasing trend to see foster parents as professionals rather than volunteers. The Committee hopes that implementation of the program will be a positive event for foster parents. In order for it to be so, the stipend attached to certification must be a meaningful one. Without a reasonable financial reward, obtaining certification will simply become one more drain upon the energies of an already overtaxed group of individuals.

In two other areas of concern to foster families, the Committee commends the Department for its actions: revising licensing criteria for foster families and obtaining a 10% board rate increase. In the former case, the Committee is pleased to see a loosening of restrictive regulations and a formal procedure for waiving licensing requirements when in the best interests of the child. The Committee particularly welcomes new guidelines creating separate licensing criteria for homes for adolescents. However, the Committee is concerned that the question of developing uniform home study procedures for foster families has not been addressed at this time. This issue was raised repeatedly in testimony to the Governor's Task Force on Foster Care last year and again in testimony to the Advisory Committee this summer. It should not be overlooked.

The question of foster care board rates is still unresolved. Along with Department personnel, the Committee realizes that a 10% board rate increase is not the ultimate solution to foster parents' difficulties; however, the

increase will at least lessen the bite of inflation. The Committee encourages the Department to meet the objective set forth in the new Child Welfare Services Plan: to convene a committee to study the issue of foster care rate-setting. It also strongly suggests that private citizens (especially foster parents) be involved in this study.

Development of other placement resources has not reached the dramatic levels suggested by the Task Force. The Committee recognizes that developing new programs or treatment slots is costly and that in a time of scarcity difficult choices must be made. It also respects the Department's decision to opt for family care over institutional care whenever possible. However, the fact remains that a good number of Maine's foster children have problems requiring intensive therapeutic care. Whatever treatment modalities the Department chooses, it must move to ensure adequate placements for this often volatile population of youth.

In examining foster care resources for Indian children, the Committee found that confusion over federal mandates and regulations has clouded issues of roles and responsibilities considerably. The result is a sense of frustration among Departmental personnel, the Tribes, and off-reservation Indians. It is not within the realm of this Committee to attempt to untangle the complexities of the Indian Child Welfare Act or the Land Claims Case. However, the Committee does note that there is a pressing need for continued dialogue among all parties concerned with this issue.

The Advisory Committee suggests that the formation of an Indian Child Welfare Committee could improve communications between the Department and the Tribes. This group would consist of representatives of the federally-recognized Tribes, designated by Tribal Governors' Councils, and appropriate Department staff, designated by the Commissioner. Meeting regularly, and perhaps alternating between Augusta and the reservations, such a group could ease the difficulties encountered as responsibility for services to Indian children shifts from the State to the Tribes.

This is a critical time for the relationship of the Indian and State child welfare communities. Without efforts on both sides, the current frustration can easily turn into polarization of positions. If this happens, Indian children -- and perhaps all foster children -- will suffer.

Finally, the Committee is pleased to see that in each region efforts have been made to implement administrative case review systems. It is too early at this writing to comment on the effectiveness of such systems; however, the Committee believes that careful tracking and examining of foster children's cases cannot help but improve the quality of foster care services. The Department should be particularly commended for proceeding with this initiative at a time when federal participation was unclear; with federal funds now committed to the project the Committee is optimistic about refinement of existing systems into a fuller, more thorough approach.

As the more comprehensive system is designed, the Committee urges the Department not to overlook the importance of the involvement of citizens in this effort. The Committee believes that use of citizens fills two functions: first, it offers the Department new ideas and viewpoints to consider when making important decisions; second, it provides the public with some insight into the complexities of the work which Department staff perform. In testimony

to the Governor's Task Force last winter, Department staff voiced frustration with the public's lack of understanding of their efforts on behalf of foster children. Inclusion of citizens in the case review process would benefit not only the Department, but also the community and, most important, foster children themselves.

CHILDREN LEAVING FOSTER CARE

1. WHAT HAPPENED?

"Ours has been the proverbial uphill climb. We have hollered at each other. We have tested and manipulated each other. We have frustrated each other. We have mistrusted each other. And yet somehow, through it all, we have subtly and painfully come to love each other. I cannot explain the process; I can only feel its awesome presence. As parent and child, as father and son, we have initiated the process of belonging to each other. Not bone of my bone, nor flesh of my flesh, but heart of my heart - a family conceived.

"Ours is still a fetal family, though, embryonic by legislated law. Our birthing rite hinges on court dates and hearings, on approvals, and policies. In my need to give birth, in my child's need to belong after nine 'forever' years, we have come to know patience as an elusive taunt. He asked me on the eve of our first year, 'When you gonna 'dopt me?' The truth seemed almost cruel. 'I don't know. I don't know...'"

-- Adoptive parent to the Task Force, 1980

In testimony to the Task Force, Maine citizens spoke with one voice on perhaps only a single issue: children need roots in order to grow. No matter how loving a foster family may be, no matter how high the quality of care which children receive, children need a permanent home in order to maximize their potential.

The Task Force studied the routes by which children leave Maine's foster care program. It found that for too many foster care is a way of life. The Task Force concluded that the Department could do more:

- . To provide permanent homes for children who need them;
- . To remove barriers to returning children to their families;
- . To remove barriers to adoption; and
- . To explore other alternatives.

Providing Permanent Homes

Children need stability and a sense of belonging in order to grow. Therefore, the Task Force maintained that in most cases foster care should bridge the gap between removal of a child from home and provision of a permanent, nurturing environment.

The Task Force found that for some foster children, the Department is not providing permanent homes as promptly as possible. While statistics show that a portion of foster children enter care and return home fairly quickly, there is another very significant group who linger in care for much of their youth. In fact, the survey conducted by the Task Force showed that in 1979, 40% of children in care had been there for 2-5 years; another 43% had remained in care 6-10 years or more.

At the time of the Task Force's report, the Department had begun to take steps to improve this situation. The Task Force endorsed the Department's efforts towards permanency planning for children in foster care and called upon the Department to continue its efforts.

The Department has been particularly responsive to this issue. In September, 1980, the Department initiated its Permanency Planning Project. This project was designed to give focus to efforts to provide permanent homes for children in foster care. Under project guidelines, regions identified children who met specific criteria: ages 12 or under as of the project's beginning and in care for 18 months or more. Workers then picked one or two children on whom to concentrate their efforts. Once these "priority" children attained permanent homes, workers were asked to give priority service to one or two other children. To help in moving these children out of care, workers received additional support from regional and Central Office personnel.

Initial project data show impressive results from this targeted approach. Of 382 project children whose program objective was return to families, 104 were in final stages of the return home process by April, 1981. Of the 195 project children for whom adoption was planned, 109 were in the final stages of the adoption process by April, 1981. More recent data has been collected but has not yet been analyzed; therefore, these figures are unavailable at this time.

In its recommendation 13a, the Task Force also called for strong administrative support of workers in their permanency planning efforts and a community education program to make the public aware of the risks and benefits of this movement. Testimony to the Advisory Committee indicates that workers are generally satisfied with support of their permanency planning efforts; the question of community education has not been addressed in a formal manner.

The Task Force also recommended the formation of a citizens' group to monitor permanency planning efforts (recommendation 13b). The Child Welfare Advisory Committee fulfills this function.

Removing Barriers to Returning Children to Their Families

Maine law specifies that the most preferable plan for a child in foster care is to be reunited with his or her family. However, in order for a foster child to return home, the worker must be certain that the situation which led to the child's abuse or neglect has changed. Workers testified to the Task Force that this judgement is often difficult to make: rather than risk returning a child to a situation which might prove to be unsafe, they may choose to allow the child to linger in foster care.

Because extended foster care is also detrimental to the child's best interest, Department staff and private citizens alike stressed the need for uniform criteria to guide workers in making this crucial judgement. In its recommendations, the Task Force called upon the Department to develop written guidelines for workers, establishing a "minimum sufficient level of care" necessary to return children home (recommendation 14a).

In its Family Reunification Policy, the Department provides such guidelines. This policy, effective October 1, 1980, outlines for workers those services which should be provided to families to help them prepare for a child's return home; it also gives criteria for discontinuation of such efforts if the family is unable to adequately care for the child.

The Task Force also cited lack of appropriate community treatment resources as a barrier to returning children home. In order for families who have abused or neglected their children to change, outside intervention is often necessary. Yet research shows that traditional forms of help, such as office therapy or classroom teaching, are often unsuccessful with this population. Conversely, some non-traditional approaches, such as volunteer parent aides who work in the home or self-help groups, have shown impressive results. Therefore, the Task Force recommended that the Department contract with private agencies to implement volunteer parent aide programs (recommendation 14b) and that the Department continue its support of Parents Anonymous, a self-help organization for parents (recommendation 14c).

At the present time, a pilot parent aide program is functioning in Region IV. In addition, the current Title XX plan contains an allocation of \$13,000 for continued support of Parents Anonymous.

Removing Barriers to Adoption

When a child cannot return home, adoption is generally seen as the next best alternative. Adoption offers a child permanent membership in a legally recognized, socially accepted family unit. In Maine, adoption of a foster child entails five major steps:

- . Making adoption the objective
- . Freeing the child for adoption
- . Selecting a family
- . Placing the child
- . Providing follow-up services to child and family.

The Task Force identified problems in each of these areas; problems were particularly severe in the first three.

For some children, the possibility of adoption is thwarted in the decision-making stage. The Task Force's survey indicated that in a significant number of cases workers rule out adoption because of the age, handicap, or emotional ties of the child. Yet, nationally, innovative work has demonstrated conclusively that many children who were thought to be unadoptable several years ago can be placed successfully with permanent, adoptive families. Therefore, the Task Force recommended that information about adoption of hard-to-place children be presented to workers and supervisors as part of ongoing training and adoption-related issues (recommendation 15c).

To address this issue, Central Office staff has developed and is now implementing a comprehensive training curriculum for Department personnel. The curriculum focuses on many aspects of permanency-oriented casework. It is divided into segments for new workers, first-year workers, second-year workers, supervisors and advanced supervisors. The training curriculum will be discussed in greater detail below (see pp. 41-42).

In addition to this curriculum, the Department has sponsored three Permanency Planning Workshops for staff during the past year as well as four Adoption Workshops. The quarterly Adoption Workshops are an ongoing training feature; they allow in-depth discussion of various aspects of the adoption process.

Another factor which has discouraged workers from pursuing adoption is the risk involved in taking cases to court. Some workers testified that judges are often predisposed in favor of biological parents. Therefore, they will return a child home if parents seem at all interested in reunification. For this reason, some workers hesitate to disrupt a stable long term foster care placement by seeking adoption: they fear that if parents contest the case, the child may be returned home to a marginally safe situation.

To address this issue, the Task Force called upon the Chief Justice to explore options for implementing special programs for judges to inform them about the benefits of permanency planning for children. The Task Force specified that the Department should offer assistance in the preparation of such programs (recommendation 15e). During the past year, the Department has taken the lead in initiating discussions of this subject with the judiciary. At this writing, a committee of Department personnel, members of the judiciary, and private citizens is being assembled to explore the issue further.

When workers decide to move for adoption, further obstacles arise. First, in order to ready the case for presentation in court, workers must submit to Central Office a detailed package of materials, including a summary of the child's history and the Department's efforts to reunite the family. The summary must be accompanied by legal documentation of the child's birth, parents' marriages and divorces, protective decree giving custody to the Department, and other related information.

The Task Force found disagreement over the need for this administrative procedure. Regional staff testified that the administrative clearance process is time-consuming and unwieldy. Central Office staff defended such procedures on the grounds that they assure that all necessary work with the child's family has been completed, provide the Department's lawyers with information necessary to prepare their case, and guard against the possibility of a legal error invalidating the adoption at a later date. To minimize workers' difficulties, the Task Force recommended that ongoing adoption training for workers and supervisors include thorough preparation in the legal/administrative procedures for adoption (recommendation 15c).

Central Office and Legal Services staff have provided some training in this area during the past year. In addition, the new child welfare training curriculum includes specific workshops on legal skills, particularly as they related to adoption (see pp. 41-42). However, in Advisory Committee hearings during the summer of 1981, personnel from two regions again charged that the administration clearance process is overly-detailed and lengthy. One staff member suggested that Central Office review of summaries be omitted entirely;

another suggested that summaries be divided into two separate documents, a short statement of facts for the Department's lawyers and a more detailed social summary for the child's records and adoptive placement. Such testimony indicates that the problems identified by the Task Force last year persist, although perhaps disagreement is not as widespread as it was at this time a year ago.

After a child receives administrative clearance for adoption, a petition to terminate the rights of the natural parents is filed in District Court. Here the Task Force identified additional barriers which deter timely freeing of children. First, many workers testified that they receive insufficient legal support from the Department's Assistant Attorneys General. They asked that attorneys be housed in each regional office, rather than in Augusta, to facilitate communication and consultation.

The Task Force called upon the Department to assign one full-time Assistant Attorney General to each region to work on adoption and other child welfare cases. If this is not possible due to attorney's workloads, the Task Force recommended that the Department contract with private attorneys to provide these legal supports (recommendation 15b).

Legal staff available to do child welfare work has increased significantly since the publication of the Task Force's report. In late 1980, one full-time and one half-time positions were added. In addition, the 110th Legislature designated funds to hire an additional attorney. This position should be filled by the fall of 1981. All attorneys are still housed in Augusta rather than in regional offices. However, in Region V the Department is planning a pilot project involving contracting with private attorneys for legal services.

Testimony to the Advisory Committee was mixed regarding the sufficiency of legal support for workers at this time. The senior Assistant Attorney General told the Committee that his staff currently is able to handle child welfare matters promptly and effectively. On the other hand, regional staff, while often expressing high personal opinions of their attorneys, still pointed to delays and problems in communication caused by attorneys' full schedules. In addition, regional staff and one member of the judiciary testifying to the Committee expressed skepticism about purchasing legal services from private attorneys: they stated that Assistant Attorneys General have expertise and experience which would be difficult to replace.

A second legal problem lies in Maine statute itself. Effective July, 1980, Maine's new child welfare law (P.L. 1979, Chapter 733) gave the state its first explicit procedure with which to terminate a parent's rights to a child. The Task Force applauded the initiation of this procedure because it made the termination process identifiable and clear-cut. However, the Task Force identified two problems with the law: first, some individuals testified that the standard of evidence specified by the law ("clear and convincing evidence") is difficult to establish; they asserted that the "preponderance of the evidence" standard is sufficiently protective of parental rights and yet more sensitive to the best interests of the child. Second, some argued that abandonment and desertion should be specifically cited as grounds for termination of parental rights. The Task Force requested that the Legislature amend the law (22 MRSA §4055) in this manner (recommendation 15a).

In response to these recommendations, the Department asked the 110th Legislature to include "abandonment" and "refusal to care for" as grounds for termination of parental rights. The Legislature approved this measure. The Department chose not to seek reduction of the standard of evidence from "clear and convincing evidence" to "a preponderance of the evidence." Department personnel point out that in earlier negotiations prior to the passage of the bill, they had sought the lesser standard; other individuals had lobbied for the stricter standard of "beyond a reasonable doubt." Therefore, the middle standard, "clear and convincing evidence," represented a compromise on the issue.

Because even under the best of circumstances, a child's adoption may be delayed due to a technicality, the Task Force endorsed the Department's effort to develop policy concerning "legal-risk adoptions," those adoptions which are pursued even though the child is not completely legally clear. It also recommended that until such policy is implemented the Department continue to consider legal risk adoptions on a case-by-case basis when in the best interest of the child (recommendation 15d). This policy has been developed and went into effect in August, 1980.

Once a child is freed for adoption, the next step is to select a family. Because many of the foster children who are cleared for adoption are older or have special needs, active recruitment of appropriate families is necessary. In its recommendations 15f and 15g, the Task Force called for development and use of a statewide listing service for adoptable children. The Department initiated such a listing service in May, 1980. Each listing features a picture and description of a child awaiting placement with an adoptive family. Since its inception, approximately 30 children have been listed; at this writing, 19 have been placed with adoptive families. As requested by the Task Force, all children cleared for adoption, for whom a family is not readily available within the region, are listed on the statewide exchange. The Task Force also specified that representatives of adoptive parents groups be involved in the listing effort; to date this has not occurred.

To increase recruitment of adoptive families, the Task Force recommended use of media coverage to publicize specific children awaiting families (recommendation 15h). Department personnel have not yet pursued use of the media because they feel that the number of children in need of families has not been great enough to warrant such massive recruitment. However, with increasing numbers of children being freed, use of the media may be explored in the foreseeable future.

In testimony to the Task Force, adoption advocates maintained that both the state's eligibility criteria for adoptive families and limitations of its adoption subsidy program present barriers to recruitment of adoptive families for children with special needs. In both of these areas, the Task Force recommended further study: in the former case, the Task Force called upon a group of private citizens and Department personnel to review eligibility guidelines for adoptive families and determine whether such guidelines should be made more flexible (recommendation 15i); in the latter, the Task Force called upon a similar group to study the state's adoption subsidy program and make recommendations for changes in those requirements which may discourage its use.

During the summer of 1981, a group of Central Office and regional staff reviewed the Department's rules regarding eligibility for adoption of special needs children. This group made recommendations which will relax the requirements for adoptive families seeking hard-to-place children.

In September, 1981, this same group developed changes in the Department's adoption subsidy policy and the rules for adoption assistance. Again, the object of this revision was to relax requirements which might have screened out families seeking to adopt children with special needs. In addition, the revision brought Maine's program into compliance with the federal regulations accompanying federal law 96-272. Revisions in Maine's adoption assistance program rules will go to public hearings in fall, 1981, before they are finalized.

Finally, the Task Force called upon the Department to explore contracting out adoption services under purchase-of-service arrangements with private agencies (recommendation 15j). The Department has chosen not to pursue this option. With twelve new adoption worker positions approved by the 110th Legislature (see p. 41), Department personnel believe that such services are not necessary.

Exploring Other Alternatives

Because neither return home nor adoption are appropriate for some children, the Task Force called upon the Department to explore the use of several less traditional alternatives (recommendation 16a). They are listed below, along with the Department's response:

- . Open adoption: Under Maine's child welfare law, an adoptive parent may permit a biological parent to visit his/her child, but the adoptive parent has the power to terminate visitation at any time. The law makes no provision for court-ordered visitation to be written into either the order to termination of parental rights or the adoption decree. Department personnel believe that such constraints would severely impinge on the adoptive parent's rights and role as legal parent.
- . Subsidized custody: The court has the power to confer custody of a child on a party other than the Department or his/her parents. However, no action has been taken to develop a source of funding to subsidize custody arrangements.
- . Emancipation: In order to facilitate use of emancipation as an option for self-sufficient 16 and 17 year olds, the Department supported the passage of a bill which would have clarified the legal consequences of an order of emancipation. The bill, L.D. 36, would have also allowed a minor to file for emancipation if his/her parents or guardian concur with the plan; under current law, a youth may file for emancipation only if his/her parent or guardian objects to the plan. The bill was withdrawn by its sponsor.
- . Formalized long-term foster care: The Department acknowledges that formalized long-term foster care is an appropriate option for some children; however, the current thrust towards permanency planning

favors return home or adoption over extended care in most cases. Department personnel hope that increased case review will enable workers to distinguish between those children who have remained in long-term care for lack of adequate casework and those for whom it is the most appropriate plan. For the latter group, long-term care agreements will be developed.

2. THE COMMITTEE'S CRITIQUE

If one could capture in a phrase the single, most important message of the Governor's Task Force on Foster Care, it would be: provide permanent homes for foster children. For this reason, the Committee is particularly heartened to see the degree to which the Department has embraced the concept of permanency planning. Perhaps the most salient difference between testimony to the Task Force last year and to the Advisory Committee this year is the degree to which Department personnel at all levels seem comfortable with and committed to the common goal of providing permanent homes.

Statistics from the Department's Permanency Planning Project indicate significant movement of children, both toward return home and adoption. These figures underscore the effectiveness of combining strong administrative support with targeting of children for priority service. The Committee hopes that the project will continue to be successful, perhaps allowing for the expansion of the target group to include some older children within the coming year.

Other initiatives which address concerns of the Task Force include: statutory expansion of the grounds for termination of parental rights, increased training in adoption and permanency planning, implementation of an effective picture listing service for adoptable children, and initiation of a court project bringing lawyers and social workers together to discuss areas of mutual concern. In each case, the Committee commends the Department for its efforts. It is confident that these steps will strengthen the foster care program greatly.

The Committee also wants to express concern over three areas which it feels have not been adequately addressed. First is the question of legal support for regional staff. In testimony to the Task Force last year, regional staff voiced much frustration over lack of sufficient legal staff. Since that time the size of legal staff has increased and it is scheduled to increase again. Yet in recent testimony some regional staff still maintained that the Department's lawyers are not as responsive as they would like them to be.

In reviewing the testimony of Central Office, regional, and legal staff, the Committee has come to question whether the debate over legal support can be resolved simply by the addition of new attorneys. Rather, the Committee suggests the real issue may be one of differing perceptions and expectations: who is responsible for doing what to prepare a case for court? The Committee recommends that a workgroup be convened to examine the relationship of administrative, direct service, and legal staff. As part of its activities this group should perform a task analysis which identifies all the activities which must occur in order for a case to reach court (e.g., contacting witnesses, securing affidavits, etc.). With this completed, roles and responsibilities can and should be more clearly defined.

A second problem which was identified last year and resurfaced at hearings this year is the administrative procedure for clearance for adoption. Specifically, concerns are focused on the Summary for Termination of Parental Rights, which workers must submit to Central Office for approval. As was the case last year, regional staff charged that the summaries are unnecessarily long and detailed; Central Office staff defended the need for precise documentation of effort.

The Committee sees two implications of this long-standing debate. First, it is apparent that some of the difficulties which these summaries present arises from the fact that one document serves a dual purpose: the summary functions as a social work document, elaborating case history and providing information which is necessary for adoptive placement; it also serves as a fact sheet for the Department's lawyers, documenting the existence of jeopardy to the child, the Department's efforts to work with the family, and the reasons why termination of parental rights is warranted. The result is confusion among staff at all levels about the degree of specificity necessary and the reasons for information requested. The Committee suggests that a workgroup of Central Office, legal, and regional staff (including supervisors and workers who must prepare these summaries) be convened to examine the document carefully. This group should begin by reaching a consensus on the purpose of the summary and then look at possible methods of streamlining it so that crucial information is conveyed in the most expedient manner. A final piece of this effort should be the training of staff in use of the revised document.

A second implication of the controversy surrounding the termination summary is less tangible and perhaps more serious. The Committee cannot help but to believe that the degree of frustration expressed by staff on this issue is out of proportion to the severity of the problem. Rather, the Committee suggests, these summaries have become metaphorical for long-standing differences between Central Office and some regional staff. The problem revolves around issues of control and of philosophy. On the one hand, it is clear from testimony that some regional staff feel that the summaries are a burden imposed upon them by Central Office staff; conversely, Central Office staff feel that regional personnel have resisted efforts to train them in preparation of summaries and are, in some cases, unnecessarily careless in preparation.

On the other hand, problems with the administrative clearance process characterize a departmental change in attitude regarding the role of its staff. No longer are social workers seen as working solely with people and administrators, solely with paper. Because of the Department's increased accountability and dependence on legal action on behalf of children, the nature of social work itself has changed: social workers now must be adept at dealing with both people and paper. Not surprisingly, this change causes discomfort for some.

The Committee sees no easy solution to this problem. It hopes that, as Central Office and regional staff at all levels spend increased time meeting and talking together, some of the mistrust and differences in attitudes will diminish. The Committee is convinced that Department staff at all levels are sincere in their commitment to helping Maine's troubled children and their families. It would be unfortunate to let intra-agency difficulties siphon off energy that could be more effectively applied to serving the Department's clients.

A final area of concern for the Committee is incorporation of citizens into various aspects of the Department's efforts. The Task Force recommended inclusion of citizens in review of both the eligibility requirements for adoptive families and the adoption subsidy program. In both these areas, reviews have been completed or are in progress using Department staff alone. Although the Committee understands that rules will be made available for public comment before they are finalized, it believes that this is not as effective as inclusion of citizens in the drafting process. As stated earlier (see p. 24) the Committee maintains that inclusion of citizens benefits both the Department and the community; it urges the Department to open its rulemaking processes to public participation.

FOSTER CARE PERSONNEL

1. WHAT HAPPENED?

"Working as a Department social worker is like being a circus entertainer who balances dishes on the ends of poles. You have an enormous number of dishes spinning away which you have to keep rushing about to keep spinning...and there's a guy on the end of the line setting up more dishes on more poles for you to take care of...and you're expected to sit down and do dictation between spins. (And what we're supposed to do is put enough poles under each dish so that they can stand up without our help. However, we have no spare poles.)"

-- Department administrator to the Task Force, 1980

The Task Force maintained that no matter what changes are made to Maine's foster care program, the program will ultimately be only as strong as its staff. Therefore, the group was alarmed by the testimony presented by Department staff and Maine citizens concerning personnel issues.

The Task Force concluded that many foster care workers and supervisors were overwhelmed by the demands of their job and conditions of their working environment. These feelings, in turn, produced an adverse effect on the services which the Department offered to Maine's children and families. In studying issues relating to foster care personnel, the Task Force concentrated on problems in four areas. These are:

- . Hiring practices,
- . Caseload size,
- . Training of workers, and
- . Staff burnout.

The Task Force found that problems involving personnel often cross bureaucratic boundaries; thus, their resolution involves the cooperation not only of Department of Human Services staff at all levels but also of the Department of Personnel, the Maine State Employees Association, and the Legislature. For this reason many of the Department's first year efforts to address the Task Force's recommendations in this area have focused on laying the groundwork for major changes through planning, negotiating, studying, and reporting. Department personnel note that it will take some time before staff feel the full impact of this year's work.

Hiring Practices

Looking at the procedures which govern the hiring of foster care workers, the Task Force cited two concerns: first, procedures used to hire personnel cause

unnecessary delays in filling vacancies; second, union and state regulations sometimes discourage the hiring of the most qualified job applicants.

Testimony of regional administrators during the winter of 1980 attributed hiring delays to a freeze placed on the hiring of state employees and problems in receiving lists of qualified candidates from the Department of Personnel. Until July, 1980, administrators who sought to fill a staff vacancy had to file an "exception request," which documented the need for filling that position. Because such requests had to be approved first by Central Office, then by the Department of Personnel, then by the Governor's office, the process was unwieldy and time-consuming.

In July, 1980, the Governor initiated a long-range personnel policy which allowed each Department to fill 95% of all positions authorized at that time. This move abolished the need to file exception requests. However, at the time of the Task Force study, the Deputy Commissioner still had to decide which positions were to be filled. Therefore, Central Office approval for hiring was still necessary.

To address this problem, the Task Force recommended that the Commissioner determine annually the number of positions that each region can maintain and then authorize Regional Directors to fill vacancies within their quota without seeking case-by-case approval (recommendation 17a).

The Department has taken two initiatives to ensure the prompt filling of foster care vacancies. First, in October, 1980, the Commissioner exempted child welfare positions from the requirement that all staff be maintained at the 95% level. Instead, he ordered that all regional office direct service positions be filled as quickly as possible.

Second, in accordance with the Task Force's recommendation, Regional Directors no longer need to seek approval to fill caseworker positions on a case-by-case basis. Instead, they send a form to the Department's Division of Personnel requesting a register. This form is then forwarded to the State Department of Personnel; they, in turn, compile a list of applicants. The Director of the Division of Personnel estimates that this process takes 3-7 days from the time requests are received in his office. Requests to fill manager and clerical positions still require case-by-case approval by the Deputy Commissioner.

Regional staff also testified that efficient hiring is impaired by problems with the applicant lists, or registers, maintained by the Department of Personnel. In order to interview and select an applicant, administrators must request names of qualified individuals from the state personnel department. Opinions on the efficiency of this process vary: Department of Personnel officials told the Task Force that requests for applicant lists are processed quickly; regional administrators charged that they often had to wait three to six weeks to receive a list. Furthermore, they told the Task Force that lists frequently contained names of individuals who had taken other jobs, lived too far away, or were not interested in foster care positions. The Task Force recommended that the Department of Personnel keep its applicant registers current by requiring people on the list to write in annually if they wish to stay on the list and by purging those who do not (recommendation 17c).

The Department of Personnel has not acted on this recommendation. The Director of the Division of Personnel cites two reasons: first, the annual purging of the register would present a massive logistical problem and the Department of Personnel does not have enough clerical help to handle this task. Second, the State Employees' Association is seeking to lengthen rather than shorten the length of time an individual can stay on the register without reapplying and being re-examined. The current limit is three years. To move to an annual reassessment process would almost certainly raise objections.

Even more serious than delays in hiring, the Task Force contended, are constraints upon whom the Department is able to hire to fill foster care vacancies. Because of agreements with the state employees' union, the Department cannot, in most cases, hire people from outside of state government without first eliminating all qualified government employees. Yet, at the time of the Task Force report, the qualifications for foster care workers and supervisors were extremely low. Therefore, the system was biased in favor of hiring less qualified state employees over more qualified individuals from outside state government. The Task Force recommended that union and state agreements be altered to allow candidates from inside and outside of state government to compete for foster care positions on an equal basis (recommendation 17b).

The problem in hiring qualified staff is particularly acute in the case of human services managers. Managers assume more responsibility than caseworkers with a relatively small increase in pay. Because workers can earn overtime and managers cannot, some managers earn less than those whom they supervise. For this reason, there is little incentive for qualified workers to seek promotion to the manager level. The Task Force recommended that a higher pay scale for managers be negotiated through collective bargaining (recommendation 17d).

During 1980, the Department, through a contract with the New England Resource Center for Protective Services, studied these problems in the personnel system. At the time of the publication of the Task Force's report, it submitted a draft proposal for the reclassification of child welfare positions to the Department of Personnel. The Task Force endorsed this package in principle (recommendation 17e) and made specific suggestions of its own regarding elevation of staff qualifications (recommendation 17f).

In July, 1981, the reclassification of caseworker positions went into effect. This effort consisted of four components: First, as endorsed by the Task Force, a separate career ladder was established for Child Protective, Adult Protective, and Substitute Care caseworkers. Second, the personnel test for caseworkers was upgraded to more accurately reflect the skills and knowledge necessary to do the job effectively. Third, Human Services Workers I (now called caseworkers) received a pay increase.

Finally, the qualifications for caseworkers were raised: applicants are now required to have an M.S.W. or Bachelor's Degree with a minimum of 15 credit hours in courses including counseling, psychology, social welfare, etc.; furthermore, they must have at least one year's experience involving case planning and management, identification of client needs, coordination of services, and counseling. Departing from the Task Force's suggestion, the new requirements allow six month's experience as a caseworker to replace one semester of education. Thus, four years of casework experience may replace a Bachelor's Degree.

Reclassification of human services manager positions has been drafted and, at this writing, is awaiting approval. The reclassification of managers (who will be called casework supervisors under the new system) will also include higher qualifications, a new personnel test, and higher pay.

Under this system applicants from outside state government still do not compete with state employees on an equal basis, as the Task Force suggested. However, Department personnel believe that the more stringent education and experience requirements will prevent the promotion of unqualified individuals into casework positions. Because experience as a human services technician (for example, AFDC eligibility of Food Stamp worker) will no longer qualify an applicant for a caseworker position, more positions will be open to outside applicants.

In response to the implementation of this reclassification system, the Maine State Employees Association filed a prohibitive labor practice complaint with the Maine Labor Relations Board in late August, 1981. The union is charging that the Department acted illegally in reclassifying positions without submitting their proposal to negotiation. It maintains that the reclassification is unfair to employees in the technician category: under this system, technician becomes a "dead-end" classification because experience as a technician no longer offers opportunity of upward mobility.

A hearing on this issue is scheduled before the Maine Labor Relations Board in mid-October, 1981. Attorneys for the State estimate that resolution will take between 1½ and 3½ months. At this time the board will issue its opinion on whether or not the Department has the power to unilaterally change the classification of positions or whether it must bargain over such matters with the union. If the board takes the latter position, the reclassification packages will have to be renegotiated.

Caseload Size

A second factor which adversely affects the performance of foster care personnel is the size of workers' caseloads. At the time of the Task Force's study, Central Office personnel calculated average Substitute Care caseload size at 31 cases per worker. Regional staff maintained the actual figure was higher, arguing that these calculations did not reflect the large numbers of workers who were on extended administrative leave or whose positions had been vacated and not yet filled.

In testimony to the Task Force, workers acknowledged feeling overwhelmed by the size of their caseloads. They pointed out several reasons why simply looking at the number of cases per worker may not accurately reflect the demands of the job: first, returning children to their families or freeing them for adoption is far more time-consuming than simply maintaining them in foster care. Second, over half of Maine's foster children are adolescents and working with adolescents is often more time-consuming than working with younger children. Finally, in rural areas transportation between appointments makes significant demands on worker's time. Therefore, the Task Force concluded that although caseload size has decreased in recent years, it is still too high to allow for effective permanency planning for children in foster care.

To address this issue, the Task Force first called upon the Department to make more efficient use of existing staff. It specified that supervisors review each worker's caseload and, if possible, redistribute cases so that no worker has more than 30 (recommendation 18a). It also recommended that supervisors and managers take steps to maximize the amount of time that workers spend directly with clients: for example, use of portable dictating machines might make travel time more productive; redistribution of routine paperwork functions from workers to secretaries might allow workers more direct service time (recommendation 18b).

The Department responded to this call with a series of initiatives designed to make workers' and supervisors' jobs more manageable by redefining and clarifying their roles. This redefinitions process represents a shift in the Department's emphasis from the consideration of caseload size (that is, the number of clients for whom a worker is responsible) to workload, the number and type of tasks that a worker is expected to perform as part of his or her job.

Development of performance standards for workers and supervisors has been a key aspect of this process. During the past year, Central Office personnel, in conjunction with regional staff, have developed a set of guidelines to clarify the tasks which workers and supervisors are expected to perform. These standards will serve two purposes: they will help staff to understand their roles and organize their time by spelling out expectations; similarly, they will facilitate the evaluation of employees' functioning on the job. These standards will be presented to staff in October, 1981. Performance will begin to be measured by these standards by January, 1982.

A second initiative in the assessment of workloads is the implementation of a case management system in Region IV. This system is oriented toward the monitoring of staff workloads and development of methods which encourage the efficient use of workers' and supervisors' time.

A final project in this area is the convening of a group to analyze workloads, including a study of paperwork requirements and caseload size. This group, which will consist of Central Office and regional staff, is in the planning stages at this writing. It expects to begin work in fall, 1981.

In addition to these initiatives aimed at making child welfare jobs less overwhelming, the Department has taken steps to decrease actual caseload size as well. First, an increased emphasis on both prevention and permanency planning has resulted in the decrease of statewide Substitute Care caseloads from 2,354 in July, 1980 to 2,150 in July, 1981. On a region-by-region basis, this figure breaks down as follows:

	<u>JULY 1980</u>	<u>JULY 1981</u>
Region I	684	655
Region II	378	349
Region III	632	529
Region IV	453	462
Region V	207	184

In July, 1980, Central Office personnel calculated average Substitute Care caseload size at 30 cases per worker, if all positions were filled: as noted above, actual caseloads were higher due to vacancies. In July, 1981, average Substitute Care caseloads with all positions filled were somewhat lower, about 28 cases per worker. Again, this figure does not reflect vacancies. Regionally, average Substitute Care caseloads as of July, 1981, break down as follows:

Region I	30
Region II	23
Region III	26
Region IV	35
Region V	28

It should be noted that in testimony to the Advisory Committee a supervisor from Region IV noted that a more realistic estimate of actual cases per worker, accounting for vacancies and employees on leave, was 40 cases per worker.

To supplement child welfare staff, the Department asked for and received from the 110th Legislature appropriation to fund twelve new Substitute Care positions. These positions include nine new adoption workers, two new supervisors, and one Assistant Attorney General. The 110th Legislature also funded a request for eleven new positions in Protective Services: five workers, two supervisors and four clerks. As of this writing, distribution of new personnel by region has not been determined. Department officials anticipate filling these positions by mid-October, 1981.

The Department's guidelines in requesting new staff positions is to have sufficient staff to maintain Substitute Care caseloads at 1:30 and Protective Services caseloads at 1:25. This differs from the Task Force's recommendation that average caseloads for all child welfare positions be 1:25 (recommendation 18c).

Training of Workers

The Task Force identified lack of adequate in-service training for child welfare workers and supervisors as a third factor which diminishes the quality of the foster care program. Since personnel standards have required workers to have little direct social work experience (see p. 38), the Department provides on-the-job training for its workers. Yet, at the time of the Task Force's study, no comprehensive, sequential curriculum for the training of caseworkers or supervisors existed. Instead, the Department sponsored a series of periodic workshops, covering various aspects of social work skills.

The Task Force endorsed this effort (recommendation 19b), but cited two problems: because workers attended such workshops sporadically, many workers told the Task Force that integrating workshop material into daily practice was difficult. Furthermore, while most workers attended some training, all workers did not receive all the training necessary to do their jobs effectively.

The Task Force recommended that a comprehensive training program be developed and implemented through the joint efforts of the Division of Child and Family Services, Staff Education and Training Unit, and regional staff (recommendations 19a-c). It also specified that this training should consist of three components: orientation (recommendation 19d), program and policy training (recommendations 19e and 19f), and skill training (recommendation 19g).

During the past year Department staff has developed a training package which meets the guidelines proposed by the Task Force. As suggested by the Task Force, the training includes an orientation for workers which describes agency philosophy, the roles of Protective and Substitute Care workers, and aspects of permanency-oriented casework, including identification of abuse and neglect, removal of children from home, return to families, and adoption. The orientation package is five days long and will be offered to new Substitute Care and Protective Services workers three times a year. Department personnel note that they would, ideally, like to offer orientation more frequently; however, cost prohibits them from doing so. At this writing, the first two orientation sessions for the 1981-82 training year are scheduled; the third session will be scheduled as need arises.

The training curriculum also specifies additional skill training for workers. Within two months of orientation, workers will receive training in legal issues and procedures; within the first year of employment staff will attend workshops covering topics such as child development, crisis intervention, casework skills, legal skills and stress management.

Courses for the second year of employment and advanced courses for qualified workers are also included in the curriculum. The former courses include family function and dysfunction, sexual abuse treatment, working with adolescents, placing the older or special needs child, and others. Advanced workers will participate in an advanced casework skills seminar and other programs, as arranged with their supervisors.

Finally, the new training curriculum includes training for supervisors. This package includes orientation to supervision, the role of the supervisor in the Child Protection and Substitute Care process, and skills and techniques of supervision. Implementation of the caseworker and supervisor training curriculum is scheduled for fall, 1981.

In addition to orientation and skill training, the Department also has increased its efforts in the area of program and policy training. Central Office program specialists now visit regional offices regularly to train supervisors in new Department policies or program emphasis. It is the Department's expectation that supervisors will, in turn, be responsible for training of workers.

Staff Burnout

"Burnout" describes the physical and emotional exhaustion of personnel as a result of job-related stress. In a survey of direct service Substitute Care workers, 45% reported feeling burned out. Because these feelings affect a worker's performance on the job, the Task Force concluded that acknowledging

and preventing staff burnout is necessary in order to improve the foster care program.

The Department's major effort in addressing the problem of staff burnout has been the undertaking and completion of its Direct Services Improvement Contract. This contract, known as the "burnout project," was initiated in January, 1980, and completed in September, 1981. During this time, a consultant examined working conditions of Department staff and developed strategies for strengthening the program.

Recommendations resulting from the burnout project are contained in a report, entitled "Supervisory and Management Practices as they Relate to Workers." The report will be available in fall, 1981. Although the Department has not at this writing had the opportunity to respond to recommendations of the burnout project, several initiatives have occurred or are planned in response to Task Force recommendations.

In its study, the Task Force identified three factors which compound workers' stress, contributing to staff burnout. These are: excessive paperwork, inadequate supervision, and unrealistic community expectations.

Too much paperwork contributes to staff burnout by creating a demand on workers' time and pulling them away from providing direct service to clients. To tackle the problem of excessive paperwork, the Task Force recommended that a committee of Central Office and regional staff examine all paperwork requirements to see where they can be streamlined (recommendation 20d). It also recommended that the quality of clerical help be upgraded by requiring typing tests and providing adequate office equipment (recommendation 20f).

As discussed above (see p. 40), the Department is developing a workgroup to address the issue of paperwork requirements. Little change has occurred in the area of upgrading secretarial help: according to the Director of the Division of Personnel, supervisors may now, as in the past, require secretaries to pass a test; the Department of Personnel does not do so because many clerical positions actually require little or no typing.

In examining staff supervision, the Task Force found that in all regions the ratio of supervisors to workers is higher than the 1:5 national standard proposed by the Child Welfare League of America. This shortage prevents workers from getting the support which adequate supervision provides; it also burns out supervisors, who feel unable to meet the demands of their job. Therefore, the Task Force recommended that the Commissioner annually review supervisor to worker ratios and request ample funding from the Legislature to ensure a ratio of one supervisor to every five workers (recommendation 20c).

The Department has acknowledged the problem of inadequate supervision on two levels. First, as described above (see p. 44), new training efforts are geared to improve the quality of supervision which workers receive. Second, to reduce the supervisor to worker ratio, the Department asked for and received from the 110th Legislature funding for additional supervisor positions: two in Substitute Care and two in Protective Services.

It must be noted that as of July, 1981 (the most recent date for which figures are available), supervisor to worker ratios were still considerably higher than the 1:5 standard suggested by the Task Force. In requesting new staff, the

Department has adopted a 1:6 ratio as its guideline. On a region-by-region basis, supervisor to worker ratios, as of July, 1981, are as follows:

	<u>Substitute Care</u>	<u>Protective Services</u>
Region I	1:8	1:8
Region II	1:7	1:7
Region III	1:7	1:5
Region IV	1:6	1:6
Region V	1:8	1:6

At this writing, allocation of the new supervisor positions to specific regions has not been determined. As with caseworkers, Department personnel anticipate filling these new positions by mid-October, 1981.

A third cause of burnout is workers' perception that the community holds unrealistic expectations for the Department. Workers testified that the public expects them to solve all of their clients' problems, but does not provide them with the resources to do so. Furthermore, assertive permanency planning efforts make Department staff vulnerable to public criticism when difficult casework decisions are made. Accordingly, the Task Force recommended that, whenever possible, Department management should provide workers with recognition for a job well done (recommendation 20g). Furthermore, the Department, through its Office of Public Affairs and Communications, should take responsibility for using the media to educate the public about the work which the Department performs (recommendation 20h).

Department response in these areas is somewhat less tangible. Through its Office of Public Affairs and Communications, the Department publishes a quarterly newspaper, Concern, which highlights activities of the Department. However, the burnout consultant notes that in an age of skepticism about public relations activities, one of the most effective methods of educating the public about the workings of the Department is through involvement of citizens in Department activities. By providing staff and support to the Governor's Task Force on Foster Care and the Child Welfare Advisory Committee, the Department has taken steps in this direction. Examination of increased use of volunteers (see p. 20) is another initiative in this area.

The consultant also suggests that recognition of workers' efforts is most meaningful if it comes from directly above, the supervisor level. Development of performance standards and increased training of supervisors speak to this issue (see pp. 40, 42).

Finally, the Task Force made several other recommendations for alleviating staff burnout. They are listed below, along with the Department's response:

- . Devoting staff meeting time to discussing burnout, either internally or with an outside consultant (recommendation 20a): Regions I and II have contracted with consultants to provide these services. No formal system exists in other regions.
- . Developing regional coverage plans to prevent workers' being called at

home (recommendation 20b): No formal systems have been developed at this time.

- . Training workers in management of time (recommendation 20c): This is not addressed formally in the training plan but covered as part of training in stress management and case planning.
- . Negotiating additional vacation for workers and supervisors (recommendation 20i): Additional vacation has been requested by the union for all employees, but is still under discussion at this writing.

2. THE COMMITTEE'S CRITIQUE

Throughout the investigations of the Governor's Task Force on Foster Care, Department personnel and private citizens expressed despair and frustration with issues relating to foster care personnel: not only is the current personnel situation intolerable, individuals told the Task Force, but it is so complex that things are unlikely to change. Given this backdrop, the Committee is pleased (and perhaps somewhat surprised) to see the amount of movement that has occurred in this area in one year's time.

One of the most visible changes is the appropriation of state funds for additional child welfare positions: twelve in Substitute Care; eleven in Protective Services. The Committee applauds the efforts of the Department and the 110th Legislature in securing funding for these vitally needed staff positions.

Other Department initiatives are less visible from a public point of view, but the Committee believes that they will, nonetheless, lead to long-range improvement in the quality of foster care personnel. First, the reclassification of caseworker and manager positions will result in a general upgrading of the qualifications of staff entering the foster care program. In addition, the initiation of a uniform training curriculum will further improve staff by providing thorough, sequential in-service education covering the specific skills necessary to perform effectively as a caseworker or supervisor. Adoption of performance standards will provide clear role definitions and a format for evaluation of caseworkers' and supervisors' efforts. Finally, the initiation of a case management system will further refine the Department's ability to assess workloads and maximize the efficient use of workers' and supervisors' time.

Since all of these efforts are in initial stages of implementation at this writing, the Committee is unable to comment specifically on their effectiveness. However, the Committee endorses each of these activities in principle; if they meet their intended objectives, they will greatly improve the caliber of foster care staff and services. The Committee urges the Department to carefully evaluate the results of these new projects over the next year and to refine or modify them if necessary.

The Committee must add that it recognizes that none of these initiatives is a panacea to problems concerning foster care personnel. Difficulties in this area have developed over the course of many years; it will take many more years of consistent effort to develop a staff and working climate that

maximizes the effectiveness of the foster care program. However, the upgrading process must begin somewhere -- and the Committee believes that the Department has taken several steps in the right direction.

STRUCTURE OF THE FOSTER CARE PROGRAM

1. WHAT HAPPENED?

Foster child: "Court is when two parts of the family stand in front of each other and one is the enemy."

Interviewer: "Who's the enemy here?"

Foster Child: "My foster mother or my real mother, I'm not sure which."

-- Foster child to Task Force, 1980

Foster children live their lives in a context defined by laws, policies, courts, and state agencies. The Task Force found that some problems in the foster care program are not related to specific practices of the Department, but rather are woven into the structure of the program itself. In looking at the framework which supports the foster care program, the Task Force identified several concerns. These are:

- . Public accountability,
- . Organization and accessibility of policy,
- . Relationship of Central Office and regional staff,
- . The role of the court, and
- . The need to try out new approaches to service delivery.

As in the case of personnel issues, resolution of some of these problems is within the power of the Department of Human Services; others fall within the realm of the Legislature and judiciary. Given this limited context, the Department has taken positive steps to address the recommendations of the Task Force concerning changes in the structure of the foster care program.

Public Accountability

Daily, Department staff make numerous decisions which profoundly affect the lives of children and their families. Among these decisions are:

- . Eligibility of a child for Department services,
- . Movement of a child from one foster home to another,
- . Discontinuation of a natural parent's visiting privileges, and
- . Approval of prospective adoptive couples.

Despite the impact which such decisions have upon individuals' lives, the Department has no effective, well-publicized system by which citizens can appeal its decisions. Because of the sensitive nature of foster care cases, the Task Force recommended the development of an appeals procedure which is specific to the foster care program. It requested that the Governor appoint

a Foster Care Grievance Board to fulfill this function and that Department staff routinely inform clients of their right to appeal decisions which affect them (recommendation 21). Recent federal regulations also require the development of such a system.

To bring Maine into compliance with federal regulations, the Department's Child Welfare Services Plan for FY'82 and '83 calls upon the Department "to establish grievance, fair hearing, and appeals procedures required by Federal regulations for the child welfare program" (Goal VII, Objective 7). In order to design a system which meets federal specifications, Department staff first plan to meet with federal representatives to identify procedures which satisfy all regulations. With this information, they will develop a plan for implementation of the procedures on a statewide basis. Target date for completion of this project is March, 1982.

Organization and Accessibility of Policy

In order to provide services to children and families in a consistent, responsible fashion, the Department needs written policies to guide its actions. In studying Department policy, the Task Force found that over the course of many years the Department has developed a significant body of written policy. However, at the time of the Task Force's study, policy was neither clearly organized nor readily accessible. Instead, it was fragmented among the 1965 Child Welfare Manual, numerous Approved Policy Statements, and several memos from administration to staff. In testimony to the Task Force, Department staff, foster parents, and natural parents all voiced confusion over the Department's guidelines for its workers and its expectations for others.

To address this problem, the Task Force recommended several changes in the presentation of policy to Department staff, foster parents and natural parents. In the former case, the Task Force recommended that the Division of Child and Family Services develop a single, comprehensive Child Welfare Policy Manual within the coming year (recommendation 22a).

The Division of Child and Family Services is currently working on this project. The finished product, to be known as the Comprehensive Child and Family Services Policy and Procedure Manual, will have fourteen sections. It will cover a broad range of topics, including: preventive and protective services, services to children in foster care, judicial review, family reunification, adoption and others.

At this writing, Central Office staff report that most policy regarding Protective Services has been completed. Substitute Care policy has been indexed and catalogued, but is not yet fully incorporated into the new manual. Because of the degree of confusion about existing policy and the massive amount of effort involved in reworking the policy structure, the Department issued an "interim manual" in November, 1980. This manual contained an outline of the proposed contents of the comprehensive manual; it also contained all of the work which had been done on the project to date, five out of fourteen sections. Since that time, Central Office staff have elaborated some of the above-mentioned sections and completed three additional sections. As additional sections are completed they will be distributed to all staff.

Because regional staff identified several gaps in existing policy, the Task Force suggested that Substitute Care Program Specialists and Assistant Regional Directors annually assess the need for new or revised policies and develop a policy agenda (recommendation 22b). Furthermore, the Task Force specified that the Child Welfare Manual as a whole should be evaluated and updated every three years (recommendation 22d). In a final recommendation, the Task Force underscored the need for staff training to accompany any changes in Department policy (recommendation 22c).

As recommended by the Task Force, a policy agenda for the year is now developed by the Child and Family Services Planning Committee. This group consists of Central Office staff and the Assistant Regional Directors. To keep policy current, Central Office staff plan to review the new manual at least every three years. They note that review of adoption policy is scheduled for two years after its implementation and policies affected by new laws are routinely modified to meet new statutory requirements. The issue of policy training has been examined above (see p. 42).

The Task Force found that foster parents were, similarly, confused about Department policy. Although the Department does publish a Foster Parent's Manual, testimony of foster parents indicated that the manual may not be as effective as it could be. In order to ensure that the manual is consistent with Department policy and contains all the information which foster parents need, the Task Force recommended that the Department and representatives of foster parents should review and update the manual every three years (recommendation 22e). This project was undertaken in November, 1980, by Division of Child and Family Services staff.

Finally, the Task Force noted that the Department has no written materials for natural parents. Accordingly, it recommended that the Department develop a handbook for distribution to parents of children in care or custody. This handbook should describe rights, roles, and responsibilities of the parents themselves along with those of the Department and of foster parents (recommendation 22f). This project has not yet been undertaken. However, Division of Child and Family Services staff has collected sample manuals from other states and plans to use them to develop a manual for Maine in the future. A target date for completion of this project has not been set.

Relationship of Central Office and Regional Staff

A third structural problem which the Task Force identified lies in the relationship between Central Office and regional staff. Specifically, the Task Force pointed out three areas in which this relationship needed modifying: Central Office leadership in the permanency planning effort, provision of legal support for regional staff, and regional participation in the budgeting process.

In the first case, testimony to the Task Force during the winter of 1980 indicated regional staff's need for tangible evidence of administrative support for permanency planning efforts. Regional personnel stated that the presence of Central Office staff in regional offices on a regular basis could provide valuable technical assistance and direction. Therefore, the Task Force recommended that Substitute Care Program Specialists play an assertive role in leading the Department's permanency planning efforts by working closely

with regional staff and spending at least one day per month in each regional office (recommendation 23a).

During the past year, Central Office staff has played an increasing leadership role in the statewide efforts toward permanency planning through the implementation of the Permanency Planning Project. Program Specialists have conducted training, provided technical assistance, and participated in case reviews in regional offices. Central Office staff estimate that they generally spend at least one day per month in Regions I, III, IV, and V; somewhat less than that in Region II.

A second area of concern to the Task Force was legal support to regional staff. This issue, as it relates to freeing of children for adoption, has been discussed in greater detail above (see p. 30). In this section the Task Force underscored the importance of positive working relationships between regional staff and the Department's Assistant Attorneys General. It pointed out that legal representation is needed at each transition point as a child moves through the foster care program: the preliminary protection hearing, the final protective hearing, and either the child's dismissal from custody (if he or she is to return home) or termination of parental rights (if the child is to be cleared for adoption).

Because actions of the court have so great an impact on foster children, clear communication between social workers and attorneys is vital. However, as stated above, regional staff testified to the Task Force that attorneys rarely had sufficient time provide consultation for regional staff on legal issues and procedures. Therefore, in this section the Task Force repeated its recommendation that the Department assign a full-time Assistant Attorney General to work with each region or contract with local attorneys to provide these services (recommendation 23c). Department response to this recommendation is discussed above (see p. 30).

The Task Force also recommended that the Department explore the possibility of obtaining federal or private foundation funding to hire an additional attorney on a two or three year project basis. This attorney would focus exclusively on helping regions to achieve permanent homes for children in foster care (recommendation 23d). The Department has not pursued such funding.

In a final matter relating to legal support, the Task Force called upon the Attorney General's office to clearly communicate to workers the State's policy on automobile liability, malpractice insurance, and the State's role in representing workers who are involved in lawsuits as a result of work-related incidents (recommendation 23b). In late August, 1981, the Department requested a position statement defining the Department's policy on automobile liability. At this writing it has not been received.

Finally, the Task Force also considered the relationship of Central and regional offices in the budgeting process. Here, the Task Force made two recommendations: first, that the Department adopt a program budgeting system which would allow evaluation of expenditure by program rather than on a regionwide basis (recommendation 23e); and, second, that regional directors be given more input into the budgeting process and more autonomy in the expenditure of regional funds (recommendation 23f).

The Department has made some changes in this area as a part of its Client-Oriented System planning process. In the former case, regions now receive separate budgets for personnel and travel expenses as well as separately identified money for Child Protective and Substitute Care purchased services. These services are generally funded under the federal Title XX and IVB programs and are used to provide services for clients in designated target groups. The amount of money each region receives is based on its own estimate of service needs and Central Office's estimate of how much it will cost to provide these services. Funds from other sources (state appropriations, for example) are not parcelled out by region; rather they are maintained in a separate statewide account.

Regional staff have limited input into the budgeting process at this time. Priority client groups are set by Central Office staff. However, within these groups, regional staff may request the amount and types of services that they need. Finally, Central Office staff balance requests from all regions and divide funds among regions accordingly. Thus, regional staff have some input into planning but the majority of budgeting decisions are made at a Central Office level.

The Role of the Court

In examining the structure of the foster care program, the Task Force was repeatedly impressed with the crucial role of the court in the lives of foster children. Yet in testimony to the Task Force, Maine citizens criticized the courts and the judiciary on three grounds: first, delays in scheduling hearings prolong "temporary" living situations and may increase a child's anxiety; second, judges may return children to their biological families in inappropriate circumstances; and third, adversary legal procedures make cooperation between parties difficult to achieve.

A survey of Probate and District Court judges, conducted for the Task Force by the University of Southern Maine, provided a context for evaluation of these criticisms. The survey showed that a significant number of judges:

- . Spend a minute portion (less than 1%) of their time on matters relating to child protection or adoption;
- . Acknowledge a predisposition to returning children to their biological families over freeing them for adoption;
- . Believe that formal adversary procedures do not result in the best disposition of child protection and adoption cases; and
- . Are willing to experiment with new approaches, such as the use of volunteers to provide support services or designation of a special unit of the court to handle matters of family law.

Using these findings as a guide, the Task Force made three recommendations concerning the courts and judiciary. First, it recommended that the Judiciary Committee of the Legislature, with the assistance of the Chief Justice of the Maine Supreme Court, consider several alternatives to the present court system. Among these options are: designation of a separate division of the court to hear matters relating to children and families, investigation of

alternatives to the adversary court proceedings (especially the conference/mediator approach), and investigation of the use of retired attorneys and judges to hear such cases on a part-time basis (recommendation 24a). The Task Force also suggested that the Chief Justice encourage the judiciary to consider the use of volunteers in various aspects of court activities (recommendation 24c). Finally, the Task Force recommended that the University of Maine School of Law, along with the judicial conference, sponsor seminars on family dynamics and the role of the court for the judges, lawyers, and social workers (recommendation 24b).

Because these recommendations are targeted at the Legislature, the judiciary, and the University, the Department has limited influence on their implementation. To date, no formal actions have been taken by any of the above-mentioned institutions. However, as mentioned above (see p. 29), the Department has initiated a dialogue with the Chief Justice concerning development of a committee to explore the issues surrounding children in the courts. The Department has also expressed its willingness to provide assistance in implementation of any other of the above recommendations.

New Approaches to Service Delivery

In testimony to the Task Force, some Maine citizens presented ideas which, if adopted, would represent a radical departure from the existing structure of the foster care program. The first of these ideas is the contracting out of foster care services. Proponents of this point of view argue that no matter how caring individual staff members may be, a bureaucracy simply cannot deliver high quality services to children: they stated that constraints such as union demands, paperwork, and large caseloads inevitably impair the bureaucracy's performance. Furthermore, they maintain that no agency should be charged both with delivering services and at the same time with monitoring the quality of those services. For this reason, they testified that the Department should assume solely a monitoring function and should contract with smaller, private agencies to provide casework, planning, foster care, and other services to children and families. The Task Force believed that such an approach was worth examining. Therefore, it recommended that in one region on a pilot basis the Department should contract out some of its foster care services and monitor the effectiveness of this approach (recommendation 25a).

Questions about implementation of this recommendation revolve around different interpretations of the Department's legal mandate to provide foster care services. Both the Department and advocates of this experimental approach agree that the Department, under Maine law, cannot abdicate its responsibility to remain the agency which is the legal custodian of children in foster care and to monitor the quality of services. A second component of foster care is responsibility for case planning and supervision. Here, the Department and some Maine citizens differ: lawyers for the Department maintain that fulfilling of these functions is part of the Department's legal mandate; some citizens maintain that the Department can and should contract out this responsibility. A final component of the foster care system is the delivery of services, that is, working with children, families, and foster families to develop permanent placements for foster children. All parties agree that the Department can and, in some cases, should contract out this aspect of its work. Plans for the contracting out of a semi-independent living program for adolescents (see p. 15), embody the latter approach. In this arrangement,

the Department would remain the legal custodian of foster children participating in the project. It would also retain responsibility for monitoring the quality of the program and for the overall planning for and supervision of children whom it refers to the program. However, within this context, the private agency has responsibility for making decisions about which of several options is the most appropriate living situation for the child and for providing casework services to foster and natural parents. This approach represents a departure from the traditional foster care arrangement, in which Department social workers would be responsible for casework functions; however, it is not as radical a departure as some Maine citizens called for, in that the Department retains case planning and supervisory powers.

A second experimental approach which was suggested to the Task Force is the use of lay advocates. In this system, judges appoint an advocate for every child placed in state custody. The advocate is a volunteer and may be a relative, friend, teacher, clergyman, or other interested individual. The advocate serves as a "special friend" of the child. He or she provides consistent support and, when necessary, presses for delivery of services, timely decision-making, or other appropriate actions. As another experimental approach to service delivery, the Task Force suggested that in one region on a pilot basis the judiciary should experiment with appointing lay advocates for children entering foster care (recommendation 25b). To date, the judiciary has not acted on this recommendation in any formal manner.

2. THE COMMITTEE'S CRITIQUE

As in the case of foster care personnel (see p. 36), problems surrounding the structure of the foster care program are difficult to resolve: in many cases, they involve not only the Department, but also the judiciary and the Legislature. Given these commitments the Committee believes that the Department has taken appropriate steps to address those areas which are within its control.

The Committee is particularly glad to see that the Department has included in its plan for the coming biennium the development of a formal grievance procedure. Questions over federal mandates have hampered implementation of this objective to date; the Committee hopes that the Department will now move quickly to resolve these questions and to implement the procedures. Furthermore, the Committee hopes that the procedure will be well-publicized and easily accessible to clients; it would defeat the project's purpose to become a "paper" mechanism for compliance with federal mandates.

A second Department initiative which the Committee believes will strengthen the foster care program is the organization of foster care policy into a single manual. The Committee acknowledges the difficulty of this massive task; accordingly, it commends Department staff for their efforts on this project. Continued work will be necessary if the manual is to become and to remain a viable structure to guide Department staff in all aspects of their work.

An area which the Committee believes has not been adequately addressed is the development of a handbook for natural parents. Historically, natural

parents have had difficulty in expressing their needs and concerns to the Department. They are a group that is rarely represented at public hearings or in planning efforts. For this reason, it is vital that the Department make available to them materials which explain their rights, roles, and responsibilities in clear, concrete language. To develop materials for staff and foster parents, without including a parallel effort for natural parents, is to again accept their role as the "silent party" in the treatment process.

Finally, the Committee is particularly interested in the Department's response to the Task Force's recommendation concerning the contracting out of foster care services. The Committee acknowledges that the contracting out of a pilot semi-independent living project does not go as far towards restructuring of the foster care program as some Maine citizens would like; yet the Committee believes that it represents a refreshing willingness on the part of the Department to try out new ideas.

Rather than join in the debate over whether or not the Department is legally able to contract out case planning responsibility, the Committee chooses to take a broader view: it welcomes the Department's openness to innovation and it urges the Department to continue to listen to the ideas of Maine's citizens on better ways to serve troubled children and their families.

III. APPENDIX

GUIDE TO DISCUSSION OF RECOMMENDATIONS

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*From "Your Neighbor's Kid," report of the Governor's Task Force on Foster Care for Children.

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IMPLEMENTATION OF PRIORITY RECOMMENDATIONS

The Task Force believed that the following 33 recommendations were most important in improving the lives of Maine's foster children. Summarized below is the Department's response to these priority recommendations. Recommendations are listed numerically as they appeared in the Task Force report, not in order of importance. The page number refers to their location in this report.

Priority Recommendation	Impact/Action Taken
1(d) Review existing Title XX contracts to determine effectiveness (pp. 6-7, 11).	Existing contracts are being reviewed by Division of Contractual Services staff. To allocate new resources, the Department has continued to develop the Client-Oriented System, a planning system that is built on regional requests for specific service needs.
1(f) Increase funding of Voluntary Program (pp. 6-7).	Funding has been increased, although not significantly. In addition there has been reapportioning of funds among regions.
2(c) Fix responsibility for the care, education and treatment of non-state wards requiring out-of-home placements (pp. 8, 11).	One tri-departmental bill and two other bills were filed with the Legislature; none passed. Several tri-departmental committees are studying issues of rate setting, licensing, and responsibility.
2(d) Commit ample resources to provide services for non-state wards requiring out-of-home placement (pp. 8, 11).	Contingent on resolution of 2c, above.
3(c) Provide ample non-custodial services for children who live on the streets: food, short-term emergency shelter, referral to medical help and counseling (pp. 9, 15).	The Department is looking at alternatives, policies and guidelines to address the needs of adolescents. The Department's stand related to these children is not clear; however, some administrators believe that providing services to children who live on the streets encourages them to remain on the streets.

Priority Recommendations	Impact/Action Taken
4(a) Provide each foster child with the following services: pre-placement visits with foster family, health assessment, psychological evaluation (if necessary), written visiting plan, coordination of old and new school, visits with Substitute Care worker 2 weeks after placement and frequently thereafter, periodic visits with Substitute Care Worker alone (pp. 9-10).	The Child Welfare State Plan for '82 and '83 calls for clarification of policies, training of staff, and monitoring of compliance in these areas.
4(d) Assess emergency placement resource needs and provide adequate funds for emergency placements. (p. 10).	Existing emergency shelters have received an increase in funding to ensure their continuation.
5(a) Amend 22 MRSA §4035 to specify that the hearing on a final protection petition must be held within 90 days of the filing of that petition, unless the court, only after hearing and on a showing of good cause, decides that a continuance should be granted (pp. 10-11).	Administrative and legal staff do not support a 90 day provision: if jurisdiction is lost, children might be returned home to unsafe situations. However, the Department agrees with the intent of the recommendation and is supporting early permanency planning.
6(a) Develop criteria for selecting foster parents which stress parenting ability and allow for flexibility to meet the needs of children in care (p. 13).	Licensing criteria are being revised to make them more flexible. Fire safety restrictions cannot be changed by the Department.
6(i) Develop innovative approaches to the placement of adolescents: single foster parents, semi-independent living, hostel programs (pp. 14-15).	The Department is drafting a separate, more flexible criteria for licensing adolescent foster homes. Department policy does not present a barrier to single parent foster homes; they are increasing. The Department will have semi-independent living pilot project early in 1982. Hostels have not been addressed.
6(o) Provide additional group home slots for developmentally disabled or multiply handicapped children (p. 15).	DHS is maintaining current levels of treatment and has allotted an increase in funds to cover costs.

Priority Recommendations	Impact/Action Taken
6(p) Develop enough minority placement resources to assure minority children a placement which encourages positive cultural identities (pp. 16-17, 24).	DHS has broadened the original focus by providing training and technical assistance for on-reservation child welfare programs. Problems with roles and responsibilities are being negotiated with the Tribes. Services to off-reservation Indians are scheduled for clarification during the coming year.
8(a) Ensure adequate educational opportunities, therapeutic services, and access to job counseling and employment for teenagers in foster care (pp. 20-21).	Central Office staff are assembling a work group to develop policy that will address the needs of adolescents to develop skills for adulthood.
8(b) Develop 150 new placement resources for teenagers, including additional group home and residential treatment slots, therapeutic foster homes and single foster parents (pp. 14-15, 24).	There has been some increase in residential treatment slots and use of single foster parents. Group home slots have been maintained at current levels. Therapeutic foster homes are being studied. New resources have not approached the Task Force's goal of 150 placements.
9(e) Develop and implement a certification process for foster families (pp. 17-18, 23).	Development of a certification process is in progress. Implementation is planned for September, 1982.
9(f) Develop a foster parent training curriculum which includes orientation, ongoing training, and training in the needs of special children (pp. 17-18, 23).	Training has been developed in conjunction with the proposed certification process.
9(k) Increase board rate and clothing allowance to cover at least 100% of the cost of care of a foster child. Develop a better method for rate-setting (pp. 18, 23).	Foster parents received a 10% increase this year. The Department will set up a group that includes foster parents to look at rate-setting methods.
10(c) In cases of financial hardship reimburse natural parents for mileage costs incurred in visiting their children in foster care outside of their own community (pp. 19-20).	Federal guidelines prohibit the Department from using Title XX funds for payments directly to clients, including natural parents.

Priority Recommendations	Impact/Action Taken
11(f) Appropriate funds to allow Maine to receive maximal Medicaid funds for mental health services. Raise rate of Medicaid reimbursement for therapists (pp. 20-21).	A raise in the Medicaid rate schedule increased reimbursement for evaluations. Funding limitations prohibit other rate increases.
12(b) Establish an administrative case review system responsible for the semi-annual review of the cases of all children in care for 6 months or more (pp. 22, 24).	Formal case review procedures have been established in all regions. Federal law requires 100% case review; Maine plans to meet this goal by December, 1982.
12(d) Establish a Foster Care Citizens Review Commission (pp. 23-24).	DHS is reluctant to develop a separate Foster Care Review Commission. The Department is considering involving citizens in regional case review.
14(a) Develop a standard for "minimum sufficient level of care" necessary to return children home (p. 28).	The Family Reunification Policy (eff. 10/1/80) establishes guidelines for return home.
15(a) Amend 22 MRSA §4055 to require "preponderance of the evidence" rather than "clear and convincing evidence" as the standard for termination of parental rights. Include abandonment and desertion as grounds for termination (pp. 30-31).	Standard of evidence was not changed. Law has been amended to include "abandonment" and "refusal to care for" as grounds for termination of parental rights.
15(b) Assign an Assistant Attorney General to each region to work on adoption and other child welfare cases or contract with private attorneys to provide these legal services (p. 30).	Legal staff has been increased. However, all attorneys are still housed in Augusta. DHS is considering contracting with private attorneys in Region V.
17(b) Allow qualified candidates, both from within and outside of the Department, to be certified for child welfare positions on an equal basis (pp. 38-39).	No formal action has been taken. However, stricter qualifications for caseworker positions increase the likelihood of hiring from outside state government.

Priority Recommendations	Impact/Action Taken
17(f) Raise qualifications for child welfare case workers and supervisors (pp. 38-39, 45).	Caseworkers have been reclassified; qualifications raised. Supervisor reclassification is in process.
18(c) Review caseload size annually and request funding for enough workers to maintain caseloads at 25 cases/worker (40-41, 45).	The Department uses 30 cases/worker in its Substitute Care guidelines. Computed caseloads are approximately at that level; actual caseloads are higher due to vacancies. The Department will fill 12 new Substitute Care positions by fall, 1981.
19(c) Deliver training of workers according to a plan which reflects current standards for good social work practice and administrative priorities (pp. 41-42, 45).	A training plan focusing on casework supervisory skills has been developed and is being implemented.
20(c) Review supervisor to worker ratios annually and request funding to ensure a ratio of 1 supervisor to 5 workers (pp. 43-44).	The Department has accepted 1 to 6 as its guideline; ratios in most regions are higher. Four new supervisors will be hired in fall, 1981.
21(a) Establish a Foster Care Grievance Board (p. 48).	Grievance procedures which meet federal requirements will be established by March, 1982.
22(f) Develop a handbook for natural parents (p. 49).	This has not been done.
24(a) Consider alternatives to the current court system, including establishment of a separate division of the court to hear matters of child and family law, specialized judges to hear such matters, use of non-adversarial court proceedings, use of retired attorneys and judges to hear child welfare cases on a part-time basis (p. 52).	Implementation is beyond the purview of the Department. The Department has brought some issues to members of the judiciary for discussion.

