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# **Public Law 2021, Ch. 635: An Act to Improve the Child Welfare System**

## **Report to the Legislature**

Submitted February 2023

Maine Department of Health and Human Services  
Office of Child and Family Services



# **Public Law 2021, Ch. 635: An Act to Improve the Child Welfare System**

## **Report to the Legislature**

In accordance with the requirements of PL 2021, Ch. 635: “The Department of Health and Human Services shall study the ability of the State to allow a parent whose minor child was removed from the home but who is engaged in rehabilitation services to continue to receive services for which the parent was eligible before the child was removed from the custody and to receive priority for services for which there is a waiting list and that are critical to allowing families to transition out of the child welfare system.

As part of this study, the Department shall examine the following:

1. The extent to which a parent may continue to receive services, including but not limited to transportation, childcare, housing assistance, and home visiting services, at the same level for which the parent was eligible before the child was removed from custody under relevant state and federal laws; and
2. The extent to which families, including both children and parents, can be prioritized for services that have waiting lists, including but not limited to housing vouchers, behavioral health services, and substance use disorder treatment, that are necessary for allowing families to transition out of the child welfare system

The Department of Health and Human Services shall submit a report with its findings and recommendations, including any recommended legislation, to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than February 1, 2023.”

As part of this study, the Office of Child and Family Services (OCFS) met with representatives from the Office of MaineCare Services (OMS), the Office of Family Independence (OFI), the Office of Behavioral Health (OBH), and the Maine State Housing Authority (MaineHousing) to complete this report.

## **Summary Service Eligibility for Families**

### **Office of MaineCare Services (OMS)**

#### MaineCare

MaineCare provides free and low-cost health insurance coverage to Maine residents who meet certain requirements based on household composition and income. There are additional options for people with disabilities and certain health conditions, young adults who have been in foster care, and those who need long term care. There is no waitlist for MaineCare coverage, and a person does not need to have a dependent child in their home to qualify. MaineCare rules are subject to all the requirements in the Social Security Act.

In 2019, the State of Maine implemented MaineCare expansion under the Patient Protection and Affordable Care Act. This program increased eligibility by raising the income limits to 133% of the federal poverty level (currently \$1507 for a single adult). As of July 2022, over 95,000 people are enrolled through MaineCare expansion, including over 82,000 adults without children.

**Resources:**

- MaineCare eligibility guidelines can be located at this link:  
<https://www.maine.gov/dhhs/sites/maine.gov.dhhs/files/inline-files/2021%20MaineCare%20Eligibility%20Guidelines%2012%2017%2021%20v1.pdf>

**Transportation**

MaineCare eligible transportation guidelines are regulated by federal government rules as well as MaineCare rules. If a person (adult or child) is eligible for MaineCare, they are eligible for Non-Emergency Transportation (NET) Services. If a child is eligible for MaineCare, but a parent is not, the parent is allowed to travel with the child as long as it is arranged prior to the trip. Custody status does not impact eligibility for MaineCare Transportation Services. For families involved with child welfare services in which a parent is not eligible for MaineCare, OCFS arranges and pays for transportation through contracted providers. This applies when a child is not in state custody and the family has an open family Prevention Services case, as well as when a child enters state custody. There are no waitlists for transportation services, a client only needs to call the NET broker at least 2 days in advance of the requested trip. While there are no waitlists for transportation, the availability of this service has been impacted by a shortage of eligible drivers. Child Welfare transportation contract providers rely on a pool of volunteer drivers, which has diminished over time, especially during the COVID-19 pandemic. Volunteer drivers with these programs are reimbursed at the State of Maine mileage reimbursement rate, which is lower than the federal mileage reimbursement rate.

**Recommendation:** Consider opportunities for supporting the volunteer and contracted driver services, including the feasibility of aligning volunteer driver mileage reimbursement rates to the federal rates.

**Resources:**

- Code of Federal Regulations (Refer to part 170) can be located at this link:  
<https://www.ecfr.gov/current/title-42/chapter-IV/subchapter-C/part-440>
- MaineCare Benefits Manual (Refer to Chapter II, Section 113, Non-Emergency Transportation (NET) Services) can be located at this link: <https://www.maine.gov/sos/cec/rules/10/ch101.htm>

**Office of Family Independence (OFI)**

The State of Maine Office of Family Independence (OFI) connects Maine families to services and programs that foster health, safety, resilience, and the opportunity to help them meet a variety of needs. OFI determines initial and ongoing eligibility for public assistance programs including MaineCare, Supplemental Nutrition Assistance Program (SNAP) and Temporary Assistance for Needy Families (TANF), as well as issues benefits for SNAP and TANF. MaineCare and TANF services are subject to all of the requirements of the Social Security Act. Requirements include income guidelines, proof of citizenship, and a person is not eligible to receive assistance in more than one state at a time.

OFI requires that any time a child leaves a home, this must be reported by the parent/caregiver within 5 days. It is the responsibility of the client to report the change and if this is not reported timely, it is considered an unintentional household violation. This becomes a concern when parents receive an overpayment of benefits, which OFI is federally required to attempt to recoup. A specific example of where this can be an area of concern is when a family enters into a safety plan where the child is placed out of the home with an alternative caregiver. TANF and SNAP benefits do not go with the child when they leave the home, and it is against the law take the money and give it to someone else who is caring for the child. When a child enters state custody, OCFS Financial Resource Specialists apply for MaineCare for the child. When OFI receives that application, the child is removed from all other benefits that are distributed.

### Temporary Assistance to Needy Families (TANF)

The Temporary Assistance to Needy Families (TANF) program provides temporary financial assistance to needy, dependent children and their parents (or specified relatives) to meet their basic needs while being cared for in their home. The job preparation program is called ASPIRE. These two programs work together to assist families to move from welfare to work.

TANF is a federally funded state administered program. In order to be eligible to receive TANF a person needs to be providing care for minor children in their home. When a child receiving a TANF grant is removed from the home through an emergency petition and placed in the custody of the Maine Department of Health and Human Services, their TANF eligibility ends and if there are no other eligible children in the home, the TANF case is closed. Children who are in state custody are not eligible to receive TANF funds. When children who are in state custody are placed with their parents on a trial home placement, they are not eligible to receive TANF assistance. This is because TANF funds and the IV-E funds for children in care originate from the same funding source.

Federal TANF eligibility requirements include age, relationship, citizenship, alien status, residency, Social Security Number compliance and cooperation requirements. Cooperation requirements outline the expectation that an individual applying for TANF shall work with the Department of Support Enforcement and Recovery (DSER). A parent will be required to establish paternity and obtain a child support enforcement order. This has at times created situations where parents are not willing to participate in the TANF program as it can create a debt for the out of home parent.

#### Eligibility Requirements:

- **Age Requirements:** The child must be an individual who has not reached the age of 18 or has not reached the age of 19 and is a full-time student in a secondary school (or in vocational/technical training).
- **Residence:** All recipients must be living in Maine voluntarily with the intent to make Maine their home.
- **Citizenship:** All recipients must be a US citizen or “qualified alien”.
- **Social Security Number Compliance:** All individuals applying for assistance must furnish the agency with a Social Security Number or proof of application for a number and furnish the number when received.
- **Relationship:** A child must be living with a specified relative, in a home maintained by that relative.
- **Child Support:** Cooperation with DSER is required.

When determining eligibility for TANF, consideration is also given to the income and assets of all members of the household. There is no waitlist for TANF services.

Between July 2008 and October 2010, the State of Maine conducted a pilot program for Reunification TANF designed for parents whose children were in DHHS custody. The objective of the program was to encourage parents to engage in a cooperative plan for reunification with their child, while also participating in a plan to establish employment that would lead to family self-sufficiency. A parent would qualify for an Adult Only / Reunification TANF grant when the parent was actively engaged and remained in compliance with the following:

- A Reunification plan was established with the Office of Child and Family Services.
- The parent was engaged in and in compliance with their Additional Support for People in Retraining and Employment (ASPIRE) family contract for becoming self-supporting with the Office of Integrated Access and Support; and
- All other TANF and ASPIRE-TANF criteria for eligibility were met.

During the pilot, 26 families participated at the time the program was discontinued. Results from the pilot indicated that if a parent was working at least part time, they were over income for TANF benefits and/or the requirements were not worth the small amount of funds that a parent could receive.

This program provided an option for families who had lost custody of their children to apply for this program and continue to receive a reduced TANF grant (an adult only grant). If the state was interested in re-establishing a Reunification TANF pilot program, this would require approval from the Commissioner of DHHS and Directors of OFI and OCFS, statutory changes to authorize funding for this purpose, ACF approval, and a TANF State Plan amendment if the program were to be funded through TANF funds.

#### **Resources:**

- TANF Federal regulations under the Social Security Act can be located at this link: [Laws and Regulations | The Administration for Children and Families \(hhs.gov\)](#)
- The regulations for TANF are set in Maine Statute at M.R.S.A, Title 22 CH 1053-B, and can be located at this link: <http://legislature.maine.gov/statutes/22/title22ch1053-Bsec0.html>.
- The Department's TANF State Plan, which is effective January 1, 2021-December 31, 2023, can be located at this link: <https://www.maine.gov/sos/cec/rules/10/144/144c331.docx>

[https://www.maine.gov/dhhs/sites/maine.gov.dhhs/files/inline-files/2021 MaineCare Eligibility Guidelines 12 17 21 v1.pdf](https://www.maine.gov/dhhs/sites/maine.gov.dhhs/files/inline-files/2021%20MaineCare%20Eligibility%20Guidelines%2012%2021%20v1.pdf) Supplemental Nutritional Assistance Program (SNAP)

SNAP provides a monthly benefit to help low-income households purchase nutritious food. Eligibility for SNAP is based on income, assets, expenses, and household size. SNAP (commonly referred to as food stamps) has a broad categorical eligibility. A person can qualify for SNAP benefits if their income level is up to 185% of the federal poverty level. The total amount of SNAP benefits received is based on household size. A person does not need to have a child in their household to qualify for SNAP and there is no waitlist.



## Office of Behavioral Health (OBH)

The State of Maine Office of Behavioral Health (OBH) assists adults who are uninsured or have inadequate insurance coverage to meet their need for mental health and substance use disorder services. In 1990, the court issued a consent decree to settle a class action lawsuit that was filed against the state on behalf of residents of the Augusta Mental Health Institute (Bates v. DHHS). In 2007, the Maine Law Court ruled that the consent decree applies to all adults with serious mental illness and not just the original class members. In January 2021, DHHS and Disability Rights Maine entered into an agreement and an updated set of standards from the existing consent decree. The current standards focus on timely access to services for adults experiencing serious mental illness, contact management and enforcement of rules, making effective use of inpatient capacity at Riverview Psychiatric Center, and timely reporting.

### Substance Use Disorder Services

Substance Use Disorder (SUD) services are overseen by the State of Maine Office of Behavioral Health (OBH) State Opioid Treatment Authority. This agency oversees all SUD programming provided by independent agencies, including outpatient services and intensive outpatient services, jail treatment services, residential programs, and Medication Assisted Treatment (MAT) programs. OBH partners with federal agencies to ensure that all requirements of these services are met. All providers must comply with ASAM (American Society of Addiction Medicine) criteria, MaineCare rules, licensing rules, and any other grant specific requirements dependent on the program / need (e.g., if a client is seeking opioid treatment services, he or she must be diagnosed with an opioid use disorder). Eligibility for these services is dependent on diagnosis.

Parental custody status does not impact a person's eligibility for services with the exception of two residential substance use disorder treatment programs. These two programs (Crossroads and Wellspring) allow for a parent to reside at the program with their child(ren); however, the parent must have custody. Service availability is connected to resource availability. In more rural areas of the state, there may be limited resources available to clients. OBH has done outreach to increase resources with limited success.

Generally, there are not waitlists for outpatient and intensive outpatient SUD services. There may be waitlists for MAT services, often due to staffing needs. Waitlists for SUD services are prioritized as follows: pregnant women, IV drug use, HIV status, and all other. It would be unusual for a person not meeting eligibility under the previously listed priority groups to be prioritized. Prioritizing parents in reunification status could result in a shorter wait time for services and potentially have an impact on length of time to permanency.

OCFS is partnering with the Office of Maine Care Services (OMS) and OFI on three 1115 SUD Waiver pilot programs. These pilot programs are designed to provide extended services to parents with SUD whose children are involved with or at-risk of involvement with Child Protective Services.

Pilot 1 Maintenance of Medicaid Coverage: This pilot focuses on expanding eligibility to continue covering parent(s) who would otherwise lose Medicaid eligibility due to the change in household size when their child enters state custody. The expanded Medicaid coverage would provide access to full state plan coverage as well as access to therapeutic services and rehabilitation with the goal of family reunification.



Pilot 2 Parenting Support Services: This pilot focuses on two services to support children and families - Attachment Biobehavioral Catch-up (ABC) and Family Visit Coaching Services. Eligible parents will receive services concentrating on increasing caregiver knowledge of child development, increasing caregiver nurturance, improving parenting practices, strengthening parent-child attachment, meeting the child's health-related and safety needs, and increasing the child's behavioral and biological regulation while also decreasing parental behaviors that may be frightening or overwhelming for the child.

Pilot 3 Home-Based Skill Development Services: This pilot focuses on enhancing daily living skills development, community integration, and housing supports services to eligible parents who may struggle with self-care, daily living skills, personal adjustment, socialization, relationship development, and adaptive skills necessary to reside in community settings.

Under Pilot 1, if a change in household size does not impact a parent's eligibility for MaineCare coverage, the parent will maintain coverage. If the change in household size results in parent ineligibility for MaineCare Services, the OFI specialist will determine that parent's eligibility under the MaineCare expansion or other programs and if eligible they will maintain coverage. If a parent is not eligible under the expansion, they will be deemed eligible for continued coverage under the 1115 Waiver.

### Adult Community Mental Health Services

OBH oversees community mental health services specific to individuals with co-occurring and mental health challenges, adult crisis services, crisis residential services, adult residential services, PNMI (Private Non-Medical Institution Services) beds, notifications for involuntary holds and high-level critical incident debriefing. OBH's policies and procedures are regulated by MaineCare policy and the Consent Decree. If a person is uninsured or underinsured, OBH will provide financial support to ensure that a person has access to services and mental health medication. OBH currently has contracts in place with eighty-four providers who will bill OBH directly if a person does not have insurance.

A person's eligibility for community mental health services is dependent on a mental health diagnosis and a LOCUS (levels of care utilization system for psychiatric and addiction services) assessment to determine the appropriate level of care. A person's custody status does not impact their eligibility for services. For community-based services, all referrals must go through the KEPRO (Maine's Administrative Services Organization) system. All providers are required to take a referral from the Department of Health and Human Services. If the provider does not have immediate availability, they must be able to provide the service within 30 days. Additional regulations regarding prioritization of waitlists for services and timeframes are outlined in the Consent Decree (<https://www.maine.gov/dhhs/sites/maine.gov.dhhs/files/inline-files/8-25-21%20Consent%20Decree%20data%20dictionary%20.pdf> ). Any modifications to the priority list would require state rule changes in compliance with the consent decree.

### **Recommendation:**

MaineCare is currently undertaking rate system reform across a broad range of services. OCFS recommends that the Department continue and implement current comprehensive rate studies for behavioral health services that are underway to assure rational, equitable and sustainable rates for services reimbursed under the MaineCare program. This includes supporting the biennial budget request to fund rate reform investments in adult and children's behavioral health and substance use disorder services.

## Resources:

- Information about the Office of Behavioral Health Services can be located at this link: <https://www.maine.gov/dhhs/obh/about>
- Information about the Consent Decree and subsequent orders can be located at this link: <https://www.maine.gov/dhhs/obh/about/consent-decree>
- Information about Substance Use Disorder and Mental Health Services can be located at this link: <https://www.maine.gov/dhhs/obh>
- Information about ASAM criteria can be located at this link: <https://www.asam.org/asam-criteria/about-the-asam-criteria>

## Bridging Rental Assistance Program (BRAP) and Shelter Plus Care

The State of Maine Office of Behavioral Health (OBH) oversees two rental subsidy programs designed to assist individuals with disabilities in finding stable independent housing. Shelter Plus Care is a federal program funded by HUD and designed to provide rental subsidies and supportive services to homeless individuals with chronic mental illness, substance use disorder, and/or HIV/AIDS. Individuals are prioritized for Shelter Plus Care housing assistance by length of time homeless or the most vulnerabilities based on a standardized screening tool. Shelter Plus Care is funded through a grant from the federal government. The priority list for Shelter Plus Care is determined by federal HUD rules and is not able to be modified.

BRAP assists clients with serious mental illness, including those who also have a substance use disorder, with obtaining transitional housing by providing a rental subsidy and assistance with locating housing. BRAP is intended to serve as a bridge between homelessness and more permanent housing options such as Section 8. BRAP clients are required to contribute forty percent of their income toward their monthly rent. Individuals are prioritized according to terms outlined in the consent decree. Priority 1 includes individuals exiting inpatient or PNMI facilities who are transitioning into the community. Priority 2 includes individuals exiting correctional facilities. Priority 3 include individuals who are homeless with co-occurring mental health and or substance use disorder diagnoses. Any modifications to the priority list would require state rule changes in compliance with the consent decree.

With each program, when an individual is eligible for housing assistance, they identify where they would like to live and are put on a waiting list for available housing options. Currently, there is a shortage of affordable and available low-income housing options in the state of Maine.

If a family is experiencing homelessness and they also meet criteria for the BRAP or Shelter Plus Care programs, they would identify in their application that they have a child(ren) living with them. If the family is in reunification status, staff will ask for a letter from OCFS verifying that the family is engaged in reunification services, and if the family qualifies for one of these programs, they would be awarded a voucher based on their family size (including children in state custody). Similarly, if a person receives housing assistance from one of these programs and their child enters state custody, the program will ask the Department for verification that the family is engaged in reunification service and if /when confirmed, there would be no change in their voucher. If a family is in Termination of Parental Rights

(TPR) status, the program would inform the family that they would need to transition to a smaller apartment size, but they would not lose their voucher eligibility.

Resources:

- Eligibility criteria for BRAP housing can be located at this link:  
<https://www.maine.gov/dhhs/sites/maine.gov.dhhs/files/inline-files/BRAP%20eligibility.doc>

## **Maine State Housing Authority (MaineHousing)**

### Housing Choice Voucher (Section 8)

The Housing Choice Voucher Program is more commonly known as “Section 8”. These vouchers are allocated through any one of the 23 housing authorities across the state. MaineHousing is one of the larger housing authorities in the state, covering the majority of the rural areas and any town that does not have its own organization. MaineHousing also oversees the Family Unification housing program. This program is a partnership with OCFS which is specific to families who are engaged in reunification services where housing is an identified barrier to reunification. Eligibility guidelines include income requirements, citizenship, and criminal history (specific exclusions include convictions for methamphetamine production in a rental unit, a status of lifetime registrant on the State of Maine Sex Offender Registry, or violent criminal history within the past three years).

The Housing Choice Voucher program provides a subsidy based on income eligibility guidelines and family size. If income guidelines are met, a head of household and their spouse would qualify for a one-bedroom apartment. A head of household and another adult household member who is not a spouse would qualify for a two-bedroom apartment. When a family has dependents, approved bedroom size depends on the age and sex of the child. Two dependent children of the same sex who are not more than 10 years apart in age, could share a bedroom while two children of different sexes would qualify for their own bedrooms. If a child enters state custody, MaineHousing would allow the parent to maintain their housing subsidy level upon confirmation of reunification status. This generally will apply for up to twelve months. If reunification takes longer than 12 months, MaineHousing would need to consider decreasing the subsidy because the family would be considered “over housed”.

MaineHousing oversees the reunification housing program (Family Unification) in conjunction with OCFS. There are 25 vouchers statewide. In order to qualify for a voucher, a family must be in reunification status and housing must be a barrier to reunification. For both programs, there are regulations that would impact a person’s ability to qualify for these vouchers, including felony criminal history.

There is currently a waitlist for the Housing Choice Voucher in Maine. The federal government provides funding for approximately twelve thousand vouchers for the state of Maine. The waitlist for this program is currently approximately fifteen thousand individuals / families. MaineHousing states that there is currently a shortage of at least twenty thousand affordable housing units in Maine. The waitlist is centralized through the Housing Choice Voucher Program portal. The wait time for a voucher can be up to three to four years. Each housing authority can prioritize their waitlist according to the needs of their own community. In general, prioritization categories include unhoused individuals with mental health disorders, elderly, families of two or more, and veterans.

**Recommendation:** Continue supporting the State’s efforts to increase the number of available affordable housing units for unhoused and low-income Maine residents.

## **Maine Center For Disease Control and Prevention (CDC)**

### Home Visiting Services

Home visiting services are offered by the Maine Families Home Visiting Program (MFHVP or Maine Families), funded through a grant awarded to the Maine Center for Disease Control (CDC). The Maine Families Home Visiting Program is a voluntary program available for pregnant women, expectant couples, and parents or primary caregivers of children from birth to age three. It is offered in every county in the state.

Maine Families aligns the state objectives to improve the health and well-being of families with the federal requirements for Maternal, Infant, and Early Childhood Home Visiting. Maine Families provide high quality, evidence-based services using the Parents as Teachers model. They also emphasize collaboration among other home-based and community based early childhood service systems. To be eligible for services through the Maine Families Home Visiting Program an individual must be pregnant and/or parenting a child under 3.5 months of age. If these requirements are met, Maine Families can remain involved with a child through the age of three (3) years old. Through implementation of the Family First Prevention Services Act (FFPSA), Maine Families Home Visiting services may be extended until the child reaches the age of 4.5 years old for children at risk of removal. Referrals are made primarily through the CradleMe system (<https://cradleme.org>). Maine Families offer home based coaching and parenting support as well as referrals for services.

Currently, there is a waitlist for services in one county in Maine. Families are served on a first come first served basis and there are currently no priority criteria for the Maine Families program. These services are dependent upon the child being in the home with the parents/caregivers. If a child enters state custody, home visiting services through Maine Families could follow the child to their resource caregiver home and would not remain with the parent.

## **Office of Child and Family Services (OCFS)**

### Children’s Behavioral Health Services

Children’s Behavioral Health Services (CBHS) in the Office of Child and Family Services (OCFS) facilitates the provision of services for the benefit of Maine children, youth, and families. CBHS is not a direct service provider; however, they do oversee and provide access to a broad range of services for children and their families including Mental Health, Intellectual Disability, Pervasive Development Disorders, and Developmental Disabilities. Services are available to children and youth up to age 21. Parental custody status does not impact a child’s eligibility for services. A child’s eligibility is based on their level of need and diagnosis and the services follow the child in the home where they are placed. Waitlists for children’s behavioral health services are currently prioritized for children who need to transition to a less restrictive level of care. A child does not have priority for services if they are in state custody, and if this group were made a priority, it could impact access to services for children who have a higher level of need and are in parental custody.

With the assistance of the Public Consulting Group (PCG), OCFS completed a comprehensive assessment of CBHS in 2019. As a result of that assessment, a series of strategies for systems improvement were created. Included in the long-term strategies is a goal to revise the waitlist process. Access to children's services has been impacted by the COVID-19 pandemic as well as a shortage of qualified providers.

**Resources:**

- 2021 CBHS Annual Report can be located at this link: [2021 CBHS Annual Report\\_0.pdf \(maine.gov\)](#)
- CBHS Data Dashboard can be located at this link: [Children's Behavioral Health Data Dashboard | Department of Health and Human Services \(maine.gov\)](#)

Homebuilders Program in Maine

Homebuilders is an evidence based intensive family preservation and reunification program that is designed to work with families involved with child welfare and prevent the need for out of home care. This program will serve families with open Prevention Services cases through OCFS. Initially, there will be one Homebuilder team per district. Services include assisting families to meet basic needs, provide education regarding child development, and help build parenting and communication skills. In addition to the Homebuilders Program for prevention, OCFS is also implementing the Homebuilders Reunification Program. If a child is in the custody of the Department, FFPSA funds can be utilized for Homebuilders to work with the family. In order to qualify for this reunification service, children must be ready for trial home placement within 7 days of the service beginning. There is no current waitlist for this program as it is in the initial stages and referrals are made as openings become available. OCFS is utilizing Title IV-E FFPSA and state general funds to implement the Homebuilders Program.

Child Care Services

The Child Care Subsidy Program (CCSP) is funded through the Child Care Development Fund Block Grant through the federal Department of Health and Human Services, state general funds, and other funding sources. The purpose of the Maine CCSP is to increase the availability, affordability, and quality of childcare services. In order to maximize parental choice for purchasing childcare, Maine provides a system of financial support for eligible families with low-incomes and other designated groups. The CCSP grant has a twelve-month eligibility period.

Eligibility requirements for the CCSP include child eligibility, housing status, income guidelines and other programmatic requirements.

Eligibility requirements include that a child must:

- Reside with a family whose gross income does not exceed eighty-five percent (85%) of the state's median income when adjusted for family size.
- Reside with the family whose assets do not exceed \$1,000,000.
- Be a US Citizen or a "qualified alien".
- Not reside with a parent who has a history of misrepresentation to obtain any state or federal benefits.
- Reside with a parent who is a Maine resident.

- The child must be at minimum six weeks of age and less than thirteen years of age or is less than 19 years of age and meets the definition of Child with Special Needs.
- Reside with a parent who is employed, attending an educational or job training program which prevents the parents from providing care and supervision.

If a parent of an eligible child is homeless at the time of initial application, the parent will be approved for CCSP and will be afforded a 90-day grace period to provide other required eligibility documentation.

Income eligibility standards include that a family income must be below eighty-five percent (85%) of the state median average (this is approximately \$1100/week for a family of 2). Additional programmatic requirements include custody (a parent must have custody of the child they are receiving CCSP for), employment and/or participation in a job training, educational and/or apprenticeship program. If a parent loses custody of the child or loses their employment, they will no longer be eligible for the CCSP.

If a child enters state custody, the child's resource parent can apply and qualify for the CCSP grant on behalf of the child. The caregiver must be working or in an educational/job training program in order to qualify. When a parent is engaged in reunification status and the child is in or preparing for a trial home placement, the parent, with the assistance of the caseworker, is able to reapply for the CCSP grant on behalf of the child; however, the parent must still be engaged in the eligible activity (work or education). Participation in reunification services is not an eligible activity.

There are currently no waitlists for child care subsidy; however, there may be waitlists with childcare providers.

**Recommendation:** Support the biennial budget initiative to ensure sustainable funding for child care provider wage supplements to continue to stabilize and grow this workforce.

#### **Resources:**

- The CCSP Program Rules can be located at this link:  
<https://www.maine.gov/dhhs/sites/maine.gov.dhhs/files/documents/ocfs/documents/CCSP%20Rules%2011.26.19.pdf>
- The CCDF State Plan for Maine can be located at this link:  
[https://www.maine.gov/dhhs/sites/maine.gov.dhhs/files/inline-files/08-31-21%20stplan\\_pdf\\_2022.pdf](https://www.maine.gov/dhhs/sites/maine.gov.dhhs/files/inline-files/08-31-21%20stplan_pdf_2022.pdf)

#### **Conclusion**

At the close of the most recent legislative session, the Department of Health and Human Services was tasked with studying the feasibility of the State to allow a parent whose minor child was removed from the home, but who is engaged in rehabilitation services, to continue to receive services for which the parent was eligible before the child was removed from their custody and to receive priority for services that are critical to allowing families to transition out of the child welfare system for which there is a waiting list. As part of this study, OCFS staff met with representatives from MaineCare, the Office of Family Independence, the Office of Behavioral Health, the Office of Child and Family Services and MaineHousing.



Currently, a barrier for all individuals, regardless of custody status, may be the availability of resources and system capacity. This challenge includes, but is not limited to, a shortage of providers for services such as adult mental health and substance use disorder, children's behavioral and mental health, transportation, and available affordable housing in all areas of the state.

For many services and supports, a parent may continue to receive services at the same level for which they were eligible before a child entered state custody. Examples of this are Adult Community Mental Health services, SUD services, transportation, and housing. As a result of current initiatives in the State of Maine, specifically MaineCare Expansion and the state of emergency due to the pandemic, most, if not all individuals whose children are removed from their care and enter DHHS custody, retain their MaineCare coverage. Additionally, if a parent does not qualify for MaineCare under the expansion and needs SUD services, the 1115 Waiver program, when fully implemented, will provide additional coverage to address treatment needs. A parent may also remain eligible for SNAP benefits if their child enters state custody; however, the amount of the SNAP assistance may decrease as it is based on overall household size.

There are some services which a parent will not be eligible to receive if their child is not in their care and is in state custody. These services include home visiting services, child care subsidy, and TANF. TANF funds are dependent upon a child being in the home. Roughly fifteen years ago, OCFS and OFI conducted a pilot program for "Reunification TANF" in which a parent would be able to apply for a reduced TANF grant while they were engaged in reunification services. This pilot program had limited success and was met with limited engagement by families. The pilot ended after two years. Child Care Subsidy and Home Visiting services follow the child. If a child enters state care, their current caregiver may be eligible to receive the CCSP and Home Visiting Services as long as they meet program requirements. With CCSP, when a child is reunified or nearing trial home placement, the parent is eligible to re-apply for this service. A parent nearing trial home placement may also be eligible for the expanded Homebuilders Program.

Prioritization for SUD services, Children's Behavioral Health services, Adult Community Mental Health services, and housing is based on guidelines and regulations for each service. Regarding Adult Community Mental Health services and Adult Mental Health and SUD Housing programs, prioritization is determined by federal guidelines and the consent decree. For other programs, prioritization of families in reunification status would require state rule and policy changes.