



ANNUAL REPORT 2023

Maine Child Welfare Advisory Panel

Citizen Review Panel

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FOREWORD

Citizen Review Panels

The Maine Child Welfare Advisory Panel (MCWAP) is one of Maine's three federally mandated Citizen Review Panels for child welfare.¹ Citizen Review Panels are groups of professionals and private citizens who are responsible for determining whether state and local agencies are effectively discharging child protective and child welfare responsibilities and making recommendations for system improvement. In Maine, the other two Citizen Review Panels, which each have specialized focus are the Justice for Children Task Force and the Child Death and Serious Injury Review Panel.

Who We Are

MCWAP members are volunteers who are representative of the community, including private citizens and professionals who have expertise in the prevention and treatment of child abuse and neglect, and those who have personal experience with the child welfare system. The Panel works to maintain a broad and diverse representation of the community. Our membership includes, but is not limited to: foster, adoptive and kinship parents; domestic violence services; former youth in care; representatives from Maine's courts; and Guardians ad Litem; disabilities

specialists; legislators; community-based support services; law enforcement; medical and mental health professionals; sexual assault services; those with expertise in substance use treatment; tribal representatives; and members of the community at large with professional or personal experience with child protective services. All MCWAP meetings are co-chaired by two citizen members of the Panel.

The Department of Health and Human Services - Office of Child and Family Services (DHHS-OCFS) Associate Director of Child Welfare attends all Panel meetings as a non-voting member. DHHS-OCFS also provides support for the Panel with a Coordinator position that provides coordination and task management assistance to all three citizen review panels. The Panel's work benefits from the regular participation of several other DHHS-OCFS staff who have subject area expertise and are made available to the Panel to participate in standing subcommittees or meetings of the full Panel as appropriate.



¹ MCWAP meets federal mandates under the Child Abuse Treatment and Prevention Act (Child Abuse Prevention and Treatment Act, as amended, 42 U.S.C. §5106a.(c)) and Children's Justice Act. (Sec. 107. GRANTS TO STATES FOR PROGRAMS RELATING TO INVESTIGATION AND PROSECUTION OF CHILD ABUSE AND NEGLECT CASES [42 U.S.C. 5106c]).

What We Do

The federal Child Abuse Protection and Treatment Act (CAPTA) and the Children's Justice Act (CJA) require all states to establish Citizen Review Panels. MCWAP fulfills requirements from both mandates, including to:

- Examine the policies, procedures, and practices of state and local child protection agencies, and evaluate the extent to which the agencies are effectively discharging their child protection responsibilities;
- Provide for public outreach and comment to assess the impact of current procedures and practices upon children and families in the community;
- Review and evaluate State investigative, administrative, and both civil and criminal judicial handling of cases of child abuse and neglect;
- Make policy and training recommendations;
- Prepare an annual report complete with a summary of activities and recommendations for the improvement of the child protective services system.

The **mission** of the Maine Child Welfare Advisory Panel is to assure that the state child welfare system is meeting the safety, permanency, and well-being of children and families through assessment, research, advocacy, and greater citizen involvement. Our **goal** is to promote child safety and quality services for children, youth, and families.

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EXECUTIVE SUMMARY

Overview

Citizen Review Panels work to ensure the people who are most affected by the child welfare system are part of assessing system efficacy and making recommendations for improvement. Those who have personal experience with child protective services and those who work within the broad child welfare system often have the perspective and insight to create innovative solutions when systems need to be improved.

The Maine Child Welfare Advisory Panel (MCWAP) schedules ten meetings per year, from September through June. In 2023, Panel members gathered in person for a full-day annual meeting in September. For all other meetings of the full Panel, meetings were held over a virtual platform for two hours on the first Friday morning of each month. The Panel had a number of focus areas in 2023, which included:

- Increasing the diversity of Panel membership;
- Updating the tools and processes for receiving information and comments from the public;
- Examining Family Team Meeting practices;
- Continuing to review and discuss our legal systems to help support families;
- Encouraging flexible and accessible economic supports for families as both an intervention and prevention strategy; and
- Obtaining information and understanding of services available in communities for families and the current challenges experienced by child welfare staff.

Panel Development

In early 2023, the Panel successfully updated our bylaws and worked to expand our membership to help ensure a diversity of perspectives are accounted for in the work of the Panel. New members to the Panel this year include: a guardian *ad litem*, a licensed clinical social worker, a representative of the Maine Department of Education, a parent attorney, and a law enforcement officer. The Panel also followed through with its commitment to add new members with experience in the child welfare system as parents and welcomed two parent members. This year also saw a leadership transition, with a long-term co-chair of the Panel stepping back from service on the panel in the Fall 2023.

The chairs or designees of all three citizen review panels continued to meet quarterly. In 2023 this included the development of a standing agenda to ensure consistency of high-level information sharing and understanding of focus areas and recommendations for systems improvements.

Citizen Input

In addition to ongoing feedback about the broad child welfare system that is available to the Panel through its large and diverse membership, the Panel has two primary mechanisms to receive additional input and feedback: surveys to parents/custodians and community providers (issued triennially); and through members of the public who have contacted the Panel directly, usually through our website's [Contact Us](#) page.

“Taking the survey is one step to help us better understand what families experience when child welfare is involved.”
~parent with lived experience

Parent Surveys

CJA requires the Panel to actively seek input and feedback on the child welfare system from parents/custodians as well as community members whose work intersects with the child welfare system. MCWAP meets this requirement through two triennially issued surveys: one to parents and one to community providers. The next round of these surveys will be issued in 2024. In conducting the analysis of the last round of surveys, completed in 2021, the Panel identified a need to overhaul the survey instruments to ensure the Panel can obtain consistent, comparable data that we can draw meaningful conclusions from to inform our recommendations for improvement.

Over the course of 2023, the Panel's Citizen Engagement Subcommittee has successfully overhauled the parent survey. The Panel engaged technical assistance available to Maine through our Court Improvement Program as well as resources available through our colleagues at the Catherine Cutler Institute. The new parent survey was reviewed during a full meeting of the Panel in October and is ready to be implemented on schedule in March 2024. The Citizen Engagement Subcommittee, with consultation and support from staff from DHHS-OCFS, will continue to enhance dissemination to develop mechanisms to make the survey available to parents on an ongoing basis as opposed to limiting the issuance and distribution of the survey to every three years. The Subcommittee will next turn its attention to an overhaul of the community provider survey, which will also be issued through our communities in 2024.

Outreach from Citizens

In 2023, the Panel implemented a new and more intentional process for responding to individual citizen input/public comment through our website and/or direct contact with the Panel co-chairs. This process directs a member of the Panel's Executive Committee to connect with the citizen to receive the input, ask questions, and get additional information that may be helpful to the Panel in reviewing and discussing the citizen input. The Panel co-chair then reviews the input with all members at a full Panel meeting. Members can reflect on their own related observations of the child welfare system response, ask questions, and seek additional information from DHHS-OCFS, other members and/or non-member stakeholders, up to and including referring a particular aspect of the identified issue to a subcommittee for further review, discussion and possible recommendations.

The Panel received several comments from citizens in 2023 who wished to share their experiences and perspectives of the child welfare system in Maine as well as their suggestions for improvement. The issue areas of feedback received by the Panel from citizens can be found in the Summary of Activities in the months of January, June, and October.

Panel Goal Progress

Each year, the Panel both sets new goals around what the Panel would like to accomplish or work on over the next year. The Panel also reports on progress that has been made toward achieving the previous year's goals.

In 2022, the Panel set goals for itself around: (1) developing a training focused on trauma informed practices for working alongside individuals with ***lived experience*** and making that training available to systems partners; (2) examining the policies, procedures and practices of ***family teams meetings*** in partnership with OCFS, creating a post-FTM surveys for distribution to participants and developing an infrastructure for data to be collected and accessible in the aggregate; and (3) reviewing the implementation of OCFS' ***new Contingency Fund program***, to include a review of policies and procedures as well as data on what requests for funds were received and how those requests were responded to by OCFS.

1. ***Lived Experience Training***: A subcommittee of Panel members met regularly throughout 2023 and began a process of getting feedback from people with experience of Maine's child welfare system response. In May 2023, the Maine Department of Health and Human Services and the Maine Child Welfare Action Network (MCWAN) unveiled the Maine [Child Safety and Family Well-Being Plan](#). One of the plan's strategies is to "provide services and resources to help parents and caregivers ensure the safety, health, and nurturing care of their children." This includes: "increase the number of professional development trainings provided by individuals with lived expertise in mental health, SUD recovery, and DV/IPV." In August, Panel members from our Lived Experience Workgroup met with a representative from MCWAN about the overlapping work of the two groups regarding directing and supporting the creation of a training. The intended topics and outcomes for MCWAN's trainings are the same as the intended topics and outcomes that MCWAP had identified. To decrease duplication of efforts, MCWAP members who are interested in continuing to work on developing this training series will do so as part of the efforts coordinated by MCWAN. Citizen feedback collected to date from the MCWAP Lived Experience Workgroup will help to inform and guide the content of training and delivery as led by MCWAN.
2. ***Family Team Meetings***: A subcommittee of Panel members met regularly with staff from OCFS to discuss policies and practices of family team meetings and review available data. More information about the work of that Family Team Meetings Workgroup and the recommendations that came out of it can be found in the section of this report that outlines the Panel's annual system focused recommendations at page 22.
3. ***New Contingency Fund Program***: The Panel received information from OCFS in June 2023 on the rollout of its new Contingency Fund program, which was launched in May 2023. The creation of this program, as a mechanism to make discretionary funds available to support parents involved in

child welfare investigations in meeting their children's safety needs, was in response to a recommendation made by the Panel in our [2021 Annual Report](#). The 130th Legislature allocated approximately \$200,000 to the OCFS Contingency Fund for this purpose in July 2022. Information about the Contingency Fund provided to the Panel in June 2023 included:

- a. Policies and procedures that had been created by OCFS as to how families can access these discretionary dollars;
- b. Adoptive and Foster Families of Maine was selected to be the fiscal agent for the program;
- c. Eligibility criteria that includes:
 - i. Families must be involved in a Child Protective Services Investigation or have their children placed with them on a Trial Home Placement;
 - ii. The funds are only to be used for concrete goods and/or services to ensure child safety or to be able to maintain the child in their home, such as automobile repairs, fuel, emergency housing, etc.;
 - iii. Funds are paid out directly to the vendor and may not be used for gift cards or for reimbursement;
 - iv. Before a request is approved, the family must explore other funding sources, such as General Assistance (GA), Temporary Assistance for Needy Families (TANF) Emergency Funds, etc., and it must be determined these other funds are not an option or are insufficient;
- d. Any requests over \$500 require the District Program Administrator approval;
- e. Any requests over \$1000 require Regional Associate Director approval.
- f. The process that OCFS staff utilize to access funds, includes:
 - i. The caseworker and family work together to complete the request form;
 - ii. An OCFS supervisors receives the form for review and approval;
 - iii. If the request is over \$500 or \$1000 the request is forwarded to the appropriate person for additional authorization;
 - iv. Once all approvals have been secured, AFFM is notified;
 - v. AFFM will contact vendors to arrange for payment within 2 business days.

The Panel also made a request to OCFS to receive a data report on what kinds of requests for support were received by OCFS and how those requests were responded to. Where the Contingency Fund program was not implemented until May 2023, Panel members agreed to move the requested report back from DHHS-OCFS on requests to and payments from this fund to 2024, to ensure a better data set for assessment. An informal interim report was provided to the Panel in Fall 2023. The Panel looks forward to additional information about the Contingency Fund in late Spring 2024.

Legislative Activity

Reports

MCWAP is required by statute¹ to give quarterly reports to the joint standing committee of the Maine Legislature having jurisdiction of Health and Human Services (HHS) matters. These quarterly reports require a summary of the Panel's observations regarding efforts by OCFS to improve the child welfare system, a summary of the collaboration between the three citizen review panels, and any recommendations on how to further protect the State's children through department policy, rulemaking, and through legislation. These reports are required to be presented by a citizen member of the Panel to the extent possible.

In 2023, a Panel Co-Chair provided reports to the Legislature's Joint Standing Committee on Health and Human Services in January, May, September and December.

The Maine Legislature's Government Oversight Committee has been engaged in conducting a review of the Office of Child and Family Service in response to several child fatalities in recent years. In December 2023, MCWAP joined representatives from the Child Death and Serious Injury Review Panel, the Maine Child Welfare Services Ombudsman, and the Maine Child Welfare Action Network to share information about the Panel and our 2023 recommendations.

2021 - 2022 Recommendations

As noted in our [2022 Annual Report](#), Resolve 2021, c. 181 (or LD 1824), in the 130th Legislature, resulted creation of the Maine Legislature's [Commission to Develop a Pilot Program](#) to Provide Legal Representation to Families in the Child Protection System.⁸ This Commission was created to design a pilot program to provide free legal assistance to low-income parents or custodians earlier in the process: possibly as soon as when the department opens an investigation or safety assessment in response to a report of suspected abuse or neglect. The Commission included a MCWAP representative and several additional Panel members, and issued a [final report](#) with recommendations in December 2022.⁹ In 2023, in the first special session of the 131st Legislature, the Joint Standing Committee on Judiciary considered LD 1240, "An Act to Develop a Pilot Program to Provide Legal Representation to Families in the Child Welfare System," which was a proposal to enact the recommendations of the Commission to Develop a Pilot Program. Though the Maine Commission on Indigent Legal Services (MCILS) was a participant in the Commission's work as recommendations for the pilot program were finalized, ultimately MCILS submitted a letter to the Judiciary Committee indicating it did not have

¹ Title 22, Section 4010-D.

⁵ Office of Program Evaluation and Government Accountability (2022). Information Brief: Oversight of Maine's Child Protective Services, January 2022. <https://legislature.maine.gov/doc/7924>

⁶ LD 1853, Resolve, To Increase Oversight of the Child Welfare System (2022)

<https://www.mainelegislature.org/legis/bills/getPDF.asp?paper=SP0605&item=3&snum=130>

⁷ MCWAP (2022) Maine Child Welfare Advisory Panel 2021 Annual Report. <https://www.mecitizenreviewpanels.com/wp-content/uploads/2022/02/MCWAPAnnualReport2021.pdf>

current capacity to take on the pilot project. For that reason, the Judiciary Committee decided not to move the proposal forward.

“As an attorney that specializes in child protective cases for parents, I believe [LD 1240] is the most consequential piece of legislation affecting the child welfare system this session. Assigning a skilled attorney during the Department investigation would ensure that the parent has an opportunity to ask questions, have the process explained, and, most importantly, to encourage appropriate access to the services necessary to protect their children and avoid a DHHS filing.”

- Julian Richter, Esq., Family Advocacy of Maine

(MCWAP Member, representing Parent Attorneys)

Also in the Panel’s 2022 Annual Report, the Panel recommended that OCFS re-establish peer services that provide direct support to parents involved in the child welfare system and that the State should continue to fund the Child Protective Services 101: For Parents, By Parents court improvement pilot project for two additional years. During the 131st legislative session, the legislature provided one-time funding in the amount of \$200,000 for FY25 to provide free virtual classes mirroring the CPS 101 model currently being implemented. The legislation requires that the class be facilitated by parents who have experience with the child protective services system or have navigated multiple complex systems. The funding will be distributed to the Department of Health and Human Services in July of 2024.

⁸ Resolve 2021, c. 181. Commission to Develop a Pilot Program to Provide Legal Representation to Families in the Child Protection System. <https://legislature.maine.gov/legal-representation-to-families-in-the-child-protection-system-study>

⁹ Commission To Develop a Pilot Program to Provide Legal Representation to Families in the Child Protection System (2022). Report to State of Maine 130th Legislature Second Regular Session. <https://legislature.maine.gov/doc/9341>



Looking Ahead

The Maine Child Welfare Advisory Panel is committed to continuously improving the quality of this citizen review panel and its ability to make effective recommendations to improve the safety and wellbeing of children, youth and families in Maine. While not required under federal statute, MCWAP members use the annual report process to establish goals for the Panel in the coming year. These goals may include focused areas of study, requests for reports from OCFS, and continuous quality improvement activities. The following 2024 strategic goals for the Panel were approved by vote in October 2023.

1. Review of Social Security Benefits and Child Support Collected by DHHS-OCFS

The Panel has made a request to DHHS-OCFS that the Department provide to the Panel by June 2024 a deidentified dollar for dollars expenditure list of social security and child support that was collected by the Department while a child was in State custody and how that money was spent by the Department. Additionally, the Panel has asked the Department to provide information on how any social security and child support payments offset any other funding, federal or otherwise, that the Department receives.

In 2021, a Marshall Project report² revealed that most states were employing the practice of screening youth coming into state custody, for eligibility for Social Security survivor, disability, and other benefits. Many states were then applying to be the representative payee and using the child's benefits to pay for the cost of their care.

The transition to adulthood is an important and often challenging phase for young people, but youth aging out of foster care often experience this without the support of stable, permanent adult relationships, and the resources that often come with that. Data shows that this group of young people experience significant challenges during this transitional period, across a variety of issues, including successful high school completion, stable housing, justice involvement, early parenthood, and employment.³ If the survivor and disability benefits of young people in state custody were preserved in trust, rather than spent to cover the cost of their care, those resources could represent an important financial support to young people during a critical time in their lives. The Panel would like to learn more about Maine's practices around these benefits to be able to thoughtfully consider future recommendations regarding what steps the State might be able to take to better financially resource youth transitioning out of foster care to best set them up for success.

² See <https://www.themarshallproject.org/2021/05/17/these-states-take-money-meant-for-foster-children>

³ See <https://www.aecf.org/blog/child-welfare-and-foster-care-statistics>

2. Examining Know Your Rights Materials

The Family Centered Policy and Practice working group in collaboration with individuals with lived experience with the child welfare system, will review any documents provided by the Department to parents/custodians that explain their rights as well as the process(es) currently used by the Department to provide parent/custodians with this information.

The Panel has heard consistently from parents and services providers that parents do not understand their rights in the child welfare process. National partners, including the Administration for Children and Families Children’s Bureau,⁴ have emphasized that a lack of familiarity with the child welfare system and a feeling of procedural unfairness can create barriers to engagement, which can stand in the way of identifying strength, needs and resources, and impede all elements of case planning.

A parent attorney member of the Panel provided members with information about a written [notice](#) of rights that is being provided to parents in Connecticut. Information provided to the Panel indicated that, having implemented an affirmative statement of rights to parents for more than a decade, leadership in CT’s child welfare agency sees this greater transparency having brought down the anxiety around agency involvement and has led to improved information gathering efforts.¹⁰ With MCWAP’s recommendation to provide pre-petition legal representation to families not yet having been realized, it is important that we continue our work to support increasing families’ access to timely, accessible material about the child welfare process, their rights and how their actions or inactions may have a long-term impact on their parental rights.

The Panel has heard from the Department about those efforts Department staff take to provide information to parents about their rights and responsibilities. However, the Panel observes that current methods are not proving to be universally effective, as the most consistent feedback the Panel has received from parents is a lack of understanding of their rights. To that end, the Panel would like to further explore what it might look like in Maine to provide parents with a standalone, written advisory of their rights at the initial point of contact with OCFS.

3. Family Team Meetings

The Panel’s Family Team Meeting Working Group will continue to meet for the upcoming year to

⁴ US Dept. of Health and Human Services, ACF, Children’s Bureau Information Memorandum “High Quality Legal Representation for All Parties in Child Welfare Proceedings,” (2017) (“Lack of trust and familiarity with the child welfare system can create significant barriers to engagement, especially for youth and and parents. Lack of engagement can stand in the way of identifying strengths, needs and resources and impede all aspects of case planning Research supports that when a party experiences a sense of fairness, he or she will be more likely to comply with court orders, return for further hearings, trust the system, and will be less likely to repeat offenses.”). ¹⁰ “Police Need Warrants to Search Homes. Child Welfare Agents Almost Never Get One,” ProPublica (Oct. 2022) (“In neighboring Connecticut, one of the nation’s only experiments with this kind of active statement of rights in child welfare cases has been going on for the past decade. Michael Williams, deputy commissioner of operations for the Connecticut Department of Children and Families, said in an interview that the written reports of his staff show they are getting more information from families than they did prior to implementation of the policy. The greater transparency, he said, has brought down the anxiety of the interaction.”). Available at: <https://www.propublica.org/article/child-welfare-search-seizure-without-warrants>.

support the work outlined in the Panel's Family Team Meeting focused system recommendation. That recommendation can be found on page 22.

4. Review of Reports from State Agency Partners

OCFS provides the Panel with an Annual Review of OCFS' Strategic Plan and progress towards the goals outlined in the Program Improvement Plan (PIP) each April. The Panel is scheduled to receive this update again in April 2024. In addition to that report, in 2024, the Panel is scheduled to review:

- An update on the first year of Maine's Home Builders Program, an intensive in-home services program provided to families who are imminently at risk of having their children removed. This information is anticipated to be reviewed by the Panel in February-March 2024.
- A report on the Maine Judicial Branch's Quality Hearing Pilot Program, a commitment made by the Judicial Branch as part of its work under the State's Program Improvement Program. This report is anticipated to be provided to the Panel in April-May 2024.
- An updated report on the first year of OCFS' Contingency Fund Program. This report is anticipated to be provided to the Panel in June 2024.

POLICY AND PRACTICE RECOMMENDATIONS

On an annual basis, Maine Child Welfare Advisory Panel members discuss and vote on formal recommendations to improve the state child welfare system based upon the Panel's assessments of the impact of current policies and practices upon children and families. Recommendations may be directed toward any of the state and local agencies responsible for discharging child protection responsibilities. The following recommendations were approved by the Panel in October 2023. They reflect system improvements across the broader child welfare system that include executive, legislative, and judicial branch actions.

As part of the Panel's process for making recommendations this year, Panel members openly discussed and acknowledged significant challenges that face many aspects of Maine's child welfare response, including: (1) persistence workforce challenges within many sectors, including within the Office of Child and Family Services; (2) the shortage of qualified attorneys on the roster for appointment as indigent counsel; (3) overburdened court dockets and constraints on judicial resources statewide; and (4) insufficient community services available to connect parents, children and youth to the critical supports they need to be successful. Yet, there are promising practices around child welfare response recommended by several of the national organizations charged with lifting up best practices. Panel members reviewed several of these as part of our process this year, particularly as it relates to exploring how our legal system could better support families who are navigating the child welfare system.

The U.S. Department of Health and Human Services' Administration on Children, Youth and Families (ACYF) has encouraged administrators of Title IV-E and IV-B and Court Improvement Programs to adopt and resource policies and practices that ensure high-quality legal representation for all parties in child welfare proceedings. Providing high quality legal representation to all parties is associated with:

- Increase in party perceptions of fairness;
- Increase in party engagement in case planning, services and court hearings;
- More personally tailored and specific case plans and services;
- Increases in visitation and parenting time;
- Expedited permanency; and
- Cost savings to the government due to reduction of time children and youth spend care.

ACYF has observed to state administrators, "The child welfare system is intended to keep families safe, together and strong, and where that is not possible to find the next best option for children and youth. To realize this potential, it is critical that children and families experience the system as transparent and fair, one in which rights are protected and options are known, co-created and understood. Providing high quality legal representation to all parties at all stages of dependency proceedings is crucial to realizing these basic tenets of fairness and due process under the law. Moreover, research shows that legal representation for all parties in child welfare proceedings is

clearly linked to increased party engagement, improved case planning, expedited permanency and cost savings to state government. [The Childrens Bureau] strongly encourages all jurisdictions to work together to ensure all parties receive high quality legal representation at all stages of dependency proceedings.”⁵

With that in mind, the Panel is committed to making recommendations that we see as likely to improve the child welfare response, appreciating that there are significant challenges that may serve as barriers to immediate implementation. It is our hope that these recommendations will serve as a foundation for productive future conversations about the possibilities for progress and positive reform.

1. Establish an Office of Parent Counsel

The State should take steps to create an Office of Parent Counsel to ensure that the roster of contracted attorneys appointed to represent indigent parents in child welfare cases are provided with supervision and support to strengthen the quality of representation available to parents and custodians in these cases and to participate in systemic advocacy to promote the State’s ability to promote the safety and wellbeing of families. This Office of Parent Counsel should be staffed by attorneys with significant expertise in representing parents and custodians in child welfare proceedings. These staff would have, as their primary job responsibilities, supervision, training and systemic advocacy. This office and all contracted attorneys practicing thereunder should have statutory parity of resources across all indigent defense types.

MCWAP’s Annual Report 2022 recommended that “[s]upport and infrastructure around parent attorneys should be a systemwide priority and focus.” MCWAP additionally recognized that, “Parent attorneys play a critical role in ensuring due process and in helping parents and their children achieve successful child welfare outcomes.” While the Maine Legislature increased the pay rate of rostered attorneys, there are still grossly insufficient systemic supports for parent attorneys to ensure that all parents and custodians subject to a child welfare petition have access to high quality legal representation.

In June 2023, the Maine Commission on Indigent Legal Services reported there were 71 licensed Maine attorneys currently rostered to be appointed as parent counsel in child protection cases. A full 37% of those attorneys (26) exceed what MCILS recommends for a caseload maximum.⁶ In September, the number of currently rostered attorneys has dropped to 57. On the child protection appellate roster, 46% of the attorneys exceeded recommended caseload maximums in the MCILS June report. There are currently no full-time staff at MCILS exclusively dedicated to supporting this work.⁷ Most attorneys representing parents are solo or small firm practitioners with limited access

⁵ US Dept. of Health and Human Services, ACF, Children’s Bureau Information Memorandum “High Quality Legal Representation for All Parties in Child Welfare Proceedings,” (2017).

⁶ See MCILS June Commission Packet at page 37: https://www.maine.gov/mcils/sites/maine.gov/mcils/files/inline-files/commission_packet.20230620.pdf.

⁷ See MCILS June Commission Packet at page 37: https://www.maine.gov/mcils/sites/maine.gov/mcils/files/inline-files/commission_packet.20230620.pdf.

to resources and institutional support. It is challenging for such practitioners to build and maintain connections to experts, investigators and social workers that may be critical to supporting successful outcomes for families, particularly given the caseload volume. In May 2023, the Panel heard from then Executive Director of MCILS, Justin Andrus, about a range of challenges facing the parent attorney bar, including a small appetite amongst policymakers to ensure adequate support for the parent attorney bar. The Panel also has the benefit of two parent attorney members who have further underscored the need for increased systemic support to improve legal services and responses to families.

Other states have taken steps to enhance representation provided to parents in child welfare cases by reducing caseloads, increasing compensation, and enhancing access to resources for parent attorneys. Washington State, which has also served as a model for Maine’s Child Protective Services 101 By Parents for Parents program, has seen positive outcomes for families increase as a result of this investment, including reunification rates increasing by 50% and rates of parental termination decreasing by 45%.⁸ In addition to being the family-centered outcomes we hope to achieve, these outcomes would have the potential to result in real cost savings to the State over time. Dedicating resources to support protective custody specific counsel at MCILS to provide technical assistance, thought leadership, and systemic advocacy is essential not only to providing immediate and critically needed support to parent attorneys but also to identifying and beginning to address long-term improvements needed to help ensure all parents and custodians in Maine who are subject to a child welfare petition have high quality legal representation as they navigate this complex system and work to best meet their children’s needs.

2. Child Welfare Law Specialist Certification Program

The State of Maine Should certify the “Child Welfare Law Specialist” certification program offered through the National Association of Counsel for Children as a specialization available to Maine attorneys. The State should also explore available funding sources to be able to provide scholarships to attorneys interested in attending.

Maine is one of only 5 states that does not offer the National Child Welfare Law Specialist certification. This is a law specialization that is accredited through the American Bar Association It is a certification that is offered to any attorney in the child welfare process - including assistant attorneys general, guardians ad litem, counsel for children and counsel for parents. The National Council of Juvenile and Family Court Judges as well as the Conference of Chief Justices/Conference of State Court Administrators both endorse this certification program. The Children’s Bureau strongly encourages all attorneys and judges practicing child welfare law to obtain CWLS certification. The certification is funded by participant fees. There has been some coordination by individual members

⁸ Bridge, Justice Bobbe J. and Joanne I. Moore. “Implementing Equal Justice for Parents in Washington: A Dual Approach.” *Juvenile and Family Court Journal*, Fall 2002.

of the parent attorney bar in attempt to align Maine with the practice in the vast majority of other states in offering this, and this effort should have the benefit of systemic support from Maine’s citizen review panels and legal systems partners in the child welfare system response.

3. Attorneys for Children

Title 22 should be amended to require the automatic assignment of a client directed attorney to any child aged 10 or above, upon opening of a child protection case or upon that child turning 10 while in custody. Title 22 should also permit any party to request the appointment of a client directed attorney for children of any age who are involved in an active child welfare case. A specific roster should be created for attorneys who would be eligible to take such appointments with a specialized training component addressing effective representation of youth. The attorney’s appointment (or reappointment for a young person re-entering care) should continue through any voluntary extended care contract that may be entered into by the young person prior to that person reaching the age of 23. All appointments shall be in addition to the appointment of a best interest guardian ad litem. The Judicial Branch, in collaboration with interested parties, should develop a best practice guide for judicial officers for engaging youth in child welfare proceedings.

The role of attorneys for children in dependency cases continues to evolve and is the topic of much national debate and interest. Under Maine’s current model, while the wishes of a child must be expressed to the court through the guardian ad litem; however, if the guardian ad litem does not think that the expressed wishes of the child are in the child’s best interest, the recommendations of the guardian ad litem need not align with the child’s wishes. The Panel members observe that such a structure presents challenges. Our current system tends to do things to or on behalf of children without meaningfully soliciting their participation. And yet, children are the experts of their own experience. Panel members have individually observed that, being the experts of their own experience, children can often come forward with creative solutions that help support more timely permanency for them.

In recognition of the importance of youth voice being heard and legal interests being protected, especially for older youth where clear preferences can be articulated and expressed, we recommend that older youth be appointed client directed counsel in addition to a guardian ad litem to ensure that the wishes of the youth are freely advocated for. Maintaining the attorney’s appointment through any voluntary extended care contract would ensure that children/youth are informed of all their options and counseled on what options may best meet their needs and goals.

National partners focused on improving child welfare court practice promote legal representation for children, an attorney who has a fiduciary duty to represent the child’s interest as articulated by the child. The National Council of Juvenile and Family Court Judges’ Enhanced Resource Guidelines outline as a key principle, “[c]hildren should be party to their cases. Children are entitled to representation by attorneys and guardians ad litem, and judges must ensure the

child’s wishes are presented to and considered by the court.”⁹ A limited review by Panel members reveals that at least 16 other states provide some level of entitlement for children to a client directed attorney.¹⁰ Client directed attorney for children comes up infrequently within Maine law, but Maine does require a child to be appointed a client directed attorney when the child welfare case originated as a juvenile case, and also states that “the guardian ad litem or the child may request the court to appoint legal counsel for the child.” 22 M.R.S. § 4005(1)(F). To enhance the ability of a child subject to a child welfare petition to have a voice in the very process that is responsible for making essential decisions about their life, Maine should follow the lead of many other states, including several of our New England neighbors,¹¹ to require the appointment of a client directed attorney for children who have attained the age of 14 and to permit the court to appoint an attorney to represent the express interest of the child.

See also:

[ABA Standards of Practice for Lawyers Representing Children in Custody Cases](#)
[ABA Adopts Model Act on Child Representation](#)

4. Report on Children in Hotels or District Offices

The Department should report to the Panel quarterly on the number of children in Department custody who are staying or have stayed in hotels during the previous quarter. This should include the age of each child and how long each child remained in a hotel and in which district. This report should also include how many children are being held at DHHS offices for more than 6 hours at a time while awaiting placement or because DHHS staff is providing child-care in lieu of that being available through the child’s placement, the ages of these children, how many hours they were held or being cared for at a DHHS office and in which district. The Department should include this information in its quarterly report made to the Maine Legislature’s Health and Human Services Committee.

To give all case participants the ability to help problem solve these issues, the Department should create a policy and practice whereby all case participants are notified within 3 days of the child experiencing one of the above circumstances.

Panel members observe instances wherein children in Department custody are reported to have been cared for in hotels instead of placed with licensed care providers. Additionally, Panel members observe instances where children in Department custody needed to be cared for overnight, and sometimes for multiple nights, in a District Office. This ranges from infants through older teens. We

⁹ “Enhanced Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases,” National Council of Juvenile and Family Court Judges (2016), available at: <https://www.ncjfcj.org/wp-content/uploads/2016/05/NCJFCJ-Enhanced-Resource-Guidelines-05-2016.pdf>.

¹⁰ Maine is one of only 13 states that does not guarantee children a right to counsel. <https://counselforkids.org/right-to-counsel-map/> (Alaska, Florida, Hawaii, Idaho, Illinois, Indiana, Maine, Minnesota, New Hampshire, North Dakota, South Carolina, Texas and Washington).

¹¹ Connecticut, Massachusetts and Vermont.

acknowledge that Maine is not unique in facing challenges with finding immediate placements for children - either immediately after removal or in circumstances where a current placement becomes inappropriate.¹² This is particularly acute in cases involving children with significant behavioral health needs. In addition to the effect that these practices have on children, the Panel notes the significant implications these practices have on the Department's ability to retain staff, a longstanding challenge over the last several years in Maine. Providing day to day and overnight care for children makes maintaining a desired work-life balance challenging. It also takes away time and attention that caseworkers could otherwise be spending on getting children through reunification or to permanency and has implications for the confidentiality of other families that the caseworker may be working with.

The Panel recognizes that the Department has taken steps to try to address these issues. The Department reports: having recently stopped the practice of children staying overnight in DHHS offices; creating a list of volunteers who can be contacted in each district to provide support as needed in supervising children – volunteers who can be deployed to emergency departments or hotels as needed; attempts to coordinate with behavioral health care providers to increase available behavioral health resources for children in communities across the state; and consideration of adding to the existing enhanced compensation for resource placements for children with behavioral health needs.

The role of the Panel is to make recommendations around what policies, practices and resource constraints may need to be addressed and to improve the child welfare system response. To that end, it is important to have transparency around where pressure points in the child welfare response currently exist. Children sleeping on the floor of a District Office or being held or cared for in district offices or hotels instead of in a home with a licensed provider is of significant concern to the Panel, in no small part because of the likelihood such an experience would be traumatizing for a child. As such, it is an issue that we would like to have more information about, and view as one in which community members, service providers and policy makers should be invested in prioritizing solutions for.

Parties to each affected case would also likely be important partners and resources to help the Department creatively problem solve in cases where these practices of caring for children in hotels or district offices become necessary. Panel members observe that there is not a standardized practice by the Department to timely provide this information to parties and so recommend the Department take steps to create one.

¹² Examples of other states experiencing similar challenges over the last year include: Kentucky (<https://www.courier-journal.com/story/news/2023/07/07/children-sleeping-in-office-if-kentucky-cant-place-them-in-foster-care/70392803007/>); North Carolina (<https://www.wfae.org/health/2023-07-06/with-nowhere-else-to-go-kids-needing-foster-care-sleep-on-the-floor-in-county-offices/>); Tennessee (<https://www.wate.com/news/new-dcs-head-says-some-children-are-sleeping-on-office-floors-staff-and-kids-are-traumatized/>); Ohio (<https://www.10tv.com/article/news/investigations/10-investigates/investigation-ohio-foster-kids-sleeping-in-children-services-offices/530-0d4c475c-6613-44a5-861f-3f979e511fa8>); Oregon (https://journalrecord.com/2023/07/20/oregon-agency-puts-foster-kids-in-hotels/#:~:text=Oregon%20has%20spent%20more%20than,years%20were%20placed%20in%20hotels.)).

5. Ongoing Review of Homebuilders Program Implementation

The Department should review the implementation of the Homebuilders Program, with particular attention to contract compliance, understanding of the program amongst OCFS staff who are making referral of parents to the program, and the extent to which the program is able to fully meet the needs of all referred parents, including that services of the program are being provided without bias or discrimination. The Department should report to the Panel as to how the Department is engaged in ongoing monitoring of this program around the above referenced points. The Panel asks for a report on this to be provided to the Panel by March 2024. In addition, the Panel requested in the June meeting to be provided with a copy of the contract for the Homebuilders Program.

The Homebuilders Program is an evidence-based, intensive in-home program designed to help families at risk of separation due to concerns of neglect, substance use, family conflict and other issues. It is intended to support high risk families create the conditions wherein children can be kept at home safely with their parents. DHHS-OCFS contracts with a third party provider to deliver this programming in Maine.

This recommendation memorializes the Panel’s discussion at the June 2023 monthly meeting, where the Panel reviewed public input from two citizens who reached out to the Panel co-chair. More information about that meeting and the follow up outlined in this recommendation can be found in the Panel’s [Meeting Minutes](#) from that June 2023 meeting.

In response to the Panel’s request for more information, DHHS-OCFS arranged for OCFS staff overseeing the Homebuilders Program, as well as some staff members of the Homebuilders Program, to attend the Panel’s December 2023 meeting to provide a presentation about the program and to answer questions. The Panel expressed interest in receiving data about the families referred to and served by the Homebuilders Program in its first full year of implementation, including data on how many families were served; how many of those families were able to successfully retain custody of their children; and demographic data. The Panel received information that such a report is currently being worked on and would be complete by February 2024.

6. Review and Alignment of Available Economic Supports

The Department should identify areas in which economic support for parents and custodians are not aligned with economic supports provided to foster/resource/kinship placements, as well as uncompensated visit supervisors, and take steps, including updating any necessary formal or informal policies and practices, to align them.

The recently released [Child Safety and Family Wellbeing Plan](#) is but one of many ways in which the Department and the current Administration have acknowledged and emphasized the significant role that economics play in making it less likely that child maltreatment will occur. All aspects of the child welfare

system must look at where we could be doing better to support the economic stability of families, including reducing their cost to ensure their participation in their children's services when their children are in Department custody. Ensuring that parents and custodians have access to the same economic supports to create safe homes for their children that we provide to foster/resource/kinship placements would align our practices with that goal.

Some specific examples of areas the Panel recommends that DHHS-OCFS review and respond to as part of this recommendation, include:

- The Department reimburses both parents/custodians and resource parents for [mileage](#) to attend medical appointments and to get to/from planned visitation. The Department reimburses parents at \$0.22/mile and resource parents at \$0.46/mile. Minimal investment to bring parent mileage reimbursement to the same level as resource parents actions our collective intentions to demonstrate to families that the child welfare system response is there to help them be the best parents they can be, that the system values their critical role in their child's life and views them as essential partners in the child welfare process, even though their children are not currently in their care.
- Trial home placement should have the unlicensed board rate across the state.
- Family members who provide visit supervision should be compensated in alignment with compensation provided for community care visit supervision, including mileage.

7. Evaluation of Family Team Meetings

OCFS should engage outside technical assistance to develop a system of evaluation for Maine's Family Team Meeting (FTM) model, to include: 1) establishing and implementing a process for ongoing data collection and analysis that includes case review and FTM participant input; 2) use of data to evaluate the extent to which current practices reflect state policy requirements; and 3) plans for the continuous quality improvement of the FTM model. Progress on the data collection system, evaluation findings, and plans for improvement should be reported to the Panel by June 30, 2025.

OCFS first implemented Family Team Meeting (FTM) practice in 2002, and since this time there have been several revisions to policy and practice expectations. The Panel has made several recommendations over the years (2016, 2019, 2021) regarding FTMs, but had not previously conducted dedicated, in-depth study of both the policy and practice of this model. Since this model is the primary mode of collaboration between the state, community organizations, and the parents they serve, the Panel determined the subject warranted a deeper exploration over a full year. In the fall of 2022, the Panel began conducting an in-depth study of the policies, procedures, and practices of Family Team Meetings (FTM), in partnership with OCFS. After two months of Panel review that included member discussions and a presentation by OCFS on the FTM policy, Panel members found that the Family Team Meeting policy is strong, but practice in the field does not always match what is

prescribed by policy. The Panel charged a subcommittee with exploring the topic of FTM evaluation more in-depth, to include a report on the quality analysis components that already exist, and proposals for research and improvement.

The Family Team Meeting Workgroup convened monthly during the spring of 2023 and conducted reviews of past and present data collection and quality analysis practices. These reviews consistently produced insufficient data on the implementation of the FTM model, indicating a need for the development of a system for data collection and analysis to inform the continuous quality improvement of FTM practices. In response to this review, the Panel is recommending that OCFS enlist the technical support of an outside entity to conduct a thorough evaluation of current FTM practices, and to make recommendations for the development of ongoing data collection and quality assurance practices. As part of the most recent federal Child and Family Services Review process, OCFS has identified Family Team Meetings as an opportunity for growth, and a strategic priority for the 2023-2026 period. Investing in outside evaluation and technical support will provide the data needed to assess current practice strengths and gaps, and establishing a process for ongoing data collection and analysis will contribute to the success of this strategic priority in the coming years.

DEPARTMENT RESPONSES

The Office of Child and Family Services responds to all formal recommendations by MCWAP that are related to the state child welfare agency. Following are the responses to the Panel's 2023 Policy and Practice Recommendations.

Establish an Office of Parent Counsel

The State should take steps to create an Office of Parent Counsel to ensure that the roster of contracted attorneys appointed to represent indigent parents in child welfare cases are provided with supervision and support to strengthen the quality of representation available to parents and custodians in these cases and to participate in systemic advocacy to promote the State's ability to promote the safety and wellbeing of families. This Office of Parent Counsel should be staffed by attorneys with significant expertise in representing parents and custodians in child welfare proceedings. These staff would have, as their primary job responsibilities, supervision, training and systemic advocacy. This office and all contracted attorneys practicing thereunder should have statutory parity of resources across all indigent defense types.

OCFS Response:

This recommendation is directed toward the Maine Legislature and the Maine Commission on Indigent Legal Services. OCFS recognizes the importance of increasing access to quality legal representation by parent attorneys.

Child Welfare Law Specialist Certification Program

The State of Maine Should certify the “Child Welfare Law Specialist” certification program offered through the National Association of Counsel for Children as a specialization available to Maine attorneys. The State should also explore available funding sources to be able to provide scholarships to attorneys interested in attending.

OCFS Response:

This recommendation is directed toward the Maine Legislature, the Maine Commission on Indigent Legal Services, and the Maine Board of Bar Overseers. OCFS recognizes the unique knowledge and skills required to provide legal representation to families involved with child welfare services and recognizes the importance of increasing access to quality legal representation by parent attorneys.

Attorneys for Children

Title 22 should be amended to require the automatic assignment of a client directed attorney to any child aged 10 or above, upon opening of a child protection case or upon that child turning 10 while in custody. Title 22 should also permit any party to request the appointment of a client directed attorney for children of any age who are involved in an active child welfare case. A specific roster should be created for attorneys who would be eligible to take such appointments with a specialized training component addressing effective representation of youth. The attorney's appointment (or reappointment for a young person re-entering care) should continue through any voluntary extended care contract that may be entered into by the young person prior to that person reaching the age of 23. All appointments shall be in addition to the appointment of a best interest guardian ad litem. The Judicial Branch, in collaboration with interested parties, should develop a best practice guide for judicial officers for engaging youth in child welfare proceedings.

OCFS Response:

This recommendation is directed to the Maine Legislature and the Maine Commission on Indigent Legal Services. OCFS recognizes the importance of increasing access to adequate representation for youth involved in a child protection case or in DHHS custody and recognizes that Title 22 already has a provision whereby this can be requested by the Guardian ad Litem or CASA.

Report on Children in Hotels or District Offices

The Department should report to the Panel quarterly on the number of children in Department custody who are staying or have stayed in hotels during the previous quarter. This should include the age of each child and how long each child remained in a hotel and in which district. This report should also include how many children are being held at DHHS offices for more than 6 hours at a time while awaiting placement or because DHHS staff is providing child-care in lieu of that being available through the child's placement, the ages of these children, how many hours they were held or being cared for at a DHHS office and in which district. The Department should include this information in its quarterly report made to the Maine Legislature's Health and Human Services Committee.

To give all case participants the ability to help problem solve these issues, the Department should create a policy and practice whereby all case participants are notified within 3 days of the child experiencing one of the above circumstances.

OCFS Response:

The Department supports engaging other case participants in problem solving when children are in need of placement or child care services and at risk of being supervised in a hotel setting overnight or the DHHS office during the day. It is reasonable to notify these individuals within 3 days of these circumstances. This includes the parents and Guardian Ad Litem. OCFS is open to providing quarterly updates to the HHS Committee, and to MCWAN as appropriate as part of ongoing efforts to build solutions to these challenges.

Ongoing Review of Homebuilders Program Implementation

The Department should review the implementation of the Homebuilders Program, with particular attention to contract compliance, understanding of the program amongst OCFS staff who are making referral of parents to the program, and the extent to which the program is able to fully meet the needs of all referred parents, including that services of the program are being provided without bias or discrimination. The Department should report to the Panel as to how the Department is engaged in ongoing monitoring of this program around the above referenced points. The Panel asks for a report on this to be provided to the Panel by March 2024. In addition, the Panel requested in the June meeting to be provided with a copy of the contract for the Homebuilders Program.

OCFS Response:

The Department currently fulfills this responsibility through its contract obligations. OCFS has provided the Panel with a copy of the contract for the Homebuilders Program and coordinated a presentation by the program for Maine Child Welfare Advisory Panel members.

Review and Alignment of Available Economic Supports

The Department should identify areas in which economic support for parents and custodians are not aligned with economic supports provided to foster/resource/kinship placements, as well as uncompensated visit supervisors, and take steps, including updating any necessary formal or informal policies and practices, to align them.

OCFS Response:

The Department is committed to fairly compensating parents, caregivers, kinship and resource placements, and other stakeholders adequately and in alignment with national standards. Some examples of the type of economic supports provided include transportation reimbursement and financial support to parents during trial home placements prior to the return of custody. OCFS has also established a Contingency Fund to provide temporary assistance to families during a child protective investigation or a trial home placement to help them provide proper care for their children per Public Law 2021, Ch. 635. There are significant economic support programs and opportunities administered outside of OCFS and to the extent those are included in this recommendation that would fall under the purview of those administering entities and the Maine Legislature.

Evaluation of Family Team Meetings

OCFS should engage outside technical assistance to develop a system of evaluation for Maine's Family Team Meeting (FTM) model, to include: 1) establishing and implementing a process for ongoing data collection and analysis that includes case review and FTM participant input; 2) use of data to evaluate the extent to which current practices reflect state policy requirements; and 3) plans for the continuous quality improvement of the FTM model. Progress on the data collection system, evaluation findings, and plans for improvement should be reported to the Panel by June 30, 2025.

OCFS Response:

The Department supports the use of data to evaluate the implementation and ongoing practice of Family Team Meetings (FTM) to ensure adherence to policy, adequate training, and support for staff, as well as supporting the intended outcome of increased engagement with parents and other case members is achieved. Doing this without further burdening frontline staff may require additional staff resources and support for the Information Services Team.

SUMMARY OF PANEL ACTIVITIES 2023

MCWAP meetings continued to be held on a virtual platform in 2023, with a full day, in-person gathering in September. Most meetings include a presentation to the full Panel with an opportunity for Panel members to ask questions, participate in discussion, and identify additional information that would be helpful or potential future discussion topics.

JANUARY

In keeping with the newly updated bylaws, the Panel had a discussion about increasing diversity of representation on the Panel, noting several roles that lacked representation, including law enforcement, healthcare and mental health, parents with experience of the child welfare system response and education. Members identified possible candidates for the Executive Committee to follow up with. The Panel co-chair reported citizen feedback received from a resource parent who expressed concern about the lack of resources for children in our communities and the difficulties getting children in their care appropriately

connected to critical health and mental health care. Panel members discussed concerns regarding extensive waitlists for children in care to receive health and mental health services and asked DHHS-OCFS to provide more information about Children's Behavioral Health Services at the Panel's February meeting. The Panel benefit from a presentation from the Maine Coalition Against Sexual Assault regarding Maine's Child Advocacy Centers. Associate Director Bobbi Johnson gave a preview of draft strategic priorities for DHHS-OCFS over the next four years, with more information to come in April.

FEBRUARY

DHHS-OCFS Director Todd Landry presented on Children's Behavioral Services in Maine, providing several resources for Panel members to review, including the 2022 Behavioral Health Report. Dr. Landry provided information on several federal waiver processes that DHHS-OCFS was engaged in to try and improve capacity and access to behavioral health resources. Panel members engaged in discussion about the challenges with accessing behavioral health resources statewide, noting that significant workforce issues continue to contribute to the inability of all family members to access needed services.

MARCH

Member Betsy Boardman, Court Improvement and Juvenile Process Specialist for the Maine Judicial Branch, provided an update from the Justice for Children Task force, including an overview of the work of the JCTF subcommittees. Panel members engaged in a discussion about the role of guardians ad litem in child protection proceedings and identified a need for more information on role and responsibilities of guardians ad litem at a future meeting. A number of members shared organizational updates.



APRIL

Associate Director Bobbi Johnson gave an extensive presentation to the full Panel on updates from DHHS-OCFS, details on strategic priorities, as well as progress in implementing the Federal Program Improvement Plan (PIP), noting DHHS-OCFS has achieved compliance with 2/3 of the goals identified in the 2017 PIP. Associate Director Johnson reviewed the FFY 2024 Child and Family Services Report (CFSR) data snapshots. The Judicial Branch also participates in the PIP and has implemented a quality hearing pilot project, with a report expected in April 2024. Members discussed the status of several child welfare related legislative initiatives.

MAY

The Panel welcomed four new members, representing law enforcement, mental health, parent representation, and guardians ad litem. Guest Marc Moran attended to give the annual update from the Child Death and Serious Injury Review Panel. Guest Justin Andrus, Executive Director of the Maine Commission on Indigent Legal Services presented to the panel on some of the changes at MCILS and challenges that continue in ensuring access to quality legal representation for parents and custodians. Associate Director Bobbi Johnson provided updates on DHHS-OCFS' work to support parents with substance use disorder as well as updates to Katahdin. Associate Director Johnson also shared information about the Childrens Emergency Services (CES) Program.

JUNE

Panel members reviewed progress on goals the Panel had set for itself over the last five years. Panel members asked DHHS-OCFS staff for more information on how stakeholders, to include staff and community partners, are being trained on and informed about the availability of the discretionary dollars allocated to DHHS-OCFS through its Contingency Fund in July 2022 to support parents involved in child welfare investigations in meeting their children's safety needs (LD 393). Given the significant delay in roll-out of access to these funds, Panel members agreed to move the requested report back from DHHS-OCFS on requests to and payments from this fund to 2024, to ensure a better data set for assessment, with an informal interim report in September 2023 at the annual meeting. Panel co-chair presented feedback from two citizens who expressed concerns regarding the implementation of the Home Builders Program. The feedback included: concerns from a community provider working with a parent who was receiving services from the program regarding interaction of program staff with the parent and the lack of knowledge of district staff about how any reports from the program should be incorporated into the parent's case plan; and concerns from a local citizen conducting a job search who observed a stated requirement for all staff employed by the Home Builders Program was subscription to and integration of the agency's Statement of Faith. Panel members asked for more information about this program and how the DHHS-OCFS is ensuring this program is accessible to all parents who may benefit from it regardless of their cultural or faith beliefs.

JULY AND AUGUST

Panel summer break. Subcommittees continued to convene virtually to work on their topics. An additional workgroup was formed to plan the Panel's annual retreat, which would be held in-person in September 2023.

SEPTEMBER

The Panel hosted its 2023 Annual Meeting in person. Members reviewed and discussed panel goals that were proposed by subcommittees for the Panel in 2024. The Panel also reviewed and discussed potential child welfare system recommendations to include in the annual report that were presented by subcommittees. Subcommittees will convene to review feedback given through the annual meeting process and bring final recommendations back to the full panel for review and questions in October.

OCTOBER

Members debriefed the retreat and discussed bylaws. Members were given an opportunity to review recommendations and ask questions in preparation for the annual voting process. Voting will take place electronically between the October and November meetings. There are three subcommittees moving forward to continue their work in 2024: Family Centered Policies and Practices; Citizen Engagement; and Family Team Meetings. New members are encouraged to join a subcommittee as capacity allows. The Citizen Engagement Subcommittee presented the updated Parent Survey. Members had an opportunity to review and were encouraged to provide feedback.

NOVEMBER

The Panel co-chair presented feedback from a citizen who is a parent with experience of the child welfare system response. The citizen raised concerns about the need to improve trauma informed care, in particularly noting their experience of being required to attend Family Team Meetings with the other parent when there was a known and documented history of domestic violence. Members discussed that child welfare policy expects separate meetings should be held when there is a concern about domestic abuse and violence. Members noted observing that practice varies across the state and there is an opportunity to explore and better understand the barriers to holding separate meetings. DHHS-OCFS staff noted training is ongoing to support staff and improve practice.

DECEMBER

In December the panel had a presentation on the Maine Homebuilders Program that is implemented by Bethany Christian Services through a contract with the State of Maine. Presenters shared information about the agency's values and beliefs, program characteristics, services, key elements of those services provided, and information about program performance. Presenters shared that the program is purposefully designed to eliminate barriers to service while promoting safety and is a strength based, trauma informed approach to supporting families. Panel members engaged presenters in a discussion about the utilization of the word "Christian" while engaging in services with families. The presenters explained that Homebuilders is not a faith-based model, and they work hand in hand with family development. Panel members expressed interest in reviewing data related to performance measures when they become available, and presenters indicated that a report on the first year of Maine's Homebuilders Program will be completed in February. The Panel asked that this be shared with the Panel prior to the March 2024 meeting.

PANEL MEMBERS 2023

Panel Co-Chair:

Debra Dunlap, MPH

Citizen Volunteer
Child, Youth and Family Services Consultant
***Resigned [November 2023]**

Panel Co-Chair:

Ahmen Belanger Cabral, LMSW

Senior Policy Associate
Youth and Community Engagement Team
Muskie School of Public Service, USM

Panel Coordinator (non-voting):

Jenna Joeckel, LMSWcc

Office of Child and Family Services
Dept. of Health and Human Services

DHHS-OCFS Representatives (non-voting):

Bobbi Johnson, LMSW

Associate Director of Child Welfare
Office of Child and Family Services
Dept. of Health and Human Services

Todd A. Landry, EdD

Director Office of Child and Family Services
Dept. of Health and Human Services
***Resigned [November 2023]**

Adrienne W. Carmack, MD

Medical Director
Office of Child and Family Services
Dept. of Health and Human Services

Brieanna Gutierrez

Communications and Compliance Manager
Office of Child and Family Services
Dept. of Health and Human Services

Tammy Roy

Child Welfare Project Manager
Office of Child and Family Services
Dept. of Health and Human Services

Panel Members:

Heidi Aakjer, MPA

Assistant Director
Maine Children's Trust

Christine Alberi, Esq.

Executive Director
Maine Child Welfare Ombudsman

Esther Anne

Policy Associate II
University of Southern Maine

Senator Donna Bailey

Member of Maine Legislature
Senate District 31

Betsy Boardman

Child Protection and Juvenile Process Specialist
Maine Judicial Branch

Travis Bryant

Executive Director
Adoptive and Foster Families of Maine

Susan Denoncour

Family Services Director
Community Concepts
***Resigned [June 2023]**

Kelly Dell'Aquila

Family Centered Support Coordinator
The Opportunity Alliance

Ariel Gannon, Esq.

Assistant Attorney General
Chief of the Child Protection Division
Maine Office of the Attorney General

Maura Keaveney, Esq.

Assistant Attorney General
Child Protection Division
Maine Office of the Attorney General

Andrea Mancuso
Public Policy Director
Maine Coalition to End Domestic Violence

Melissa Martin
Public Policy and Legal Director
Maine Coalition Against Sexual Assault

Ashley Morrell, LMSW
Associate Ombudsman
Maine Child Welfare Ombudsman

Elizabeth McCullum
Guardian ad Litem
McCullum & McCullum
*Resigned [May 2023]

Edgar Wiseman
Family Engagement Specialist
Catherine Cutler Institute
*Joined February 2023

Michelle Westbrook
Family Engagement Specialist
Catherine Cutler institute
*Joined September 2023

Abbie Rohde, LCSW, CCS
Director of Behavioral Health
Savida Health
*Joined May 2023

Brent Beaulieu
Detective Lieutenant
Bangor Police Department
*Joined May 2023

Melissa Hackett
Coordinator
Maine Child Welfare Action Network
*Joined November 2023

Beth Gagnon
Assistant Director and Preschool Head Teacher
Heidi's House Childcare
*Joined November 2023

Debra McSweeney
Licensed Physical Therapist
Maine General Medical Center
*Resigned [October 2023]

Kris Pitts, MPS, MSW
Community Services Director
New Beginnings

Julian Richter
Parent Attorney
Richter Law

Erika Simonson
Child & Family Programs Coordinator
Maine Coalition to End Domestic Violence

Kathryn Brice
Assistant Ombudsman
Maine Child Welfare Ombudsman
*Joined September 2023

Craig Smith
Assistant Ombudsman
Maine Child Welfare Ombudsman
*Joined September 2023

Chelsea Peters, Esq
Parent Attorney
*Joined May 2023

Taylor Kilgore
Guardian Ad Litem
*Joined May 2023

Julie Smyth
Director
Office of School and Student Supports
Maine Department of Education
*Joined October 2023

The Panel would like to thank the following former members for their thoughtful contributions and years of service to the Panel:

Elizabeth McCullum

Guardian ad Litem
McCullum & McCullum

Debra Dunlap, MPH

Citizen Volunteer
Child, Youth and Family Services Consultant

Todd A. Landry, EdD

Director Office of Child and Family Services
Dept. of Health and Human Services

Debra McSweeney

Family Services Director
Home Counselors, Inc.

Susan Denoncour Family

Services Director
Community Concepts

ACKNOWLEDGEMENTS

The Panel is grateful to all of the Maine parents, caregivers, and youth who have shared their experiences and observations about the impact of the child welfare system on their families.

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