

# MAINE STATE LEGISLATURE

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## **Fire and Safety Code Inspection Report April, 2011**

The Department of Health and Human Services' (DHHS) Child Welfare Division is both committed and mandated to address child safety in birth homes and in foster/resource/kinship homes and to be effective and efficient in the use of state resources. In 2009, the Division of Child Welfare submitted proposed legislation to permit DHHS staff who are responsible for licensing within the Office of Child and Family Services to be trained in and perform inspections currently done by the State Fire Marshal for relative homes. This proposal would also have helped the Division of Child Welfare to meet requirements under the federal Fostering Connections Act of 2008 that require states to give preference to relatives and to be timely in the licensing process.

In 2009, staff surveyed all New England states and found that New Hampshire, Vermont, Massachusetts and Connecticut have long followed the process in our proposed legislation. In addition, we surveyed other states and found that 17 of 18 who responded have child welfare licensing staff perform required inspections. We were informed that the Department of Public Safety also did a survey and found that 12 of 24 states responding to them did not use Fire Marshals to do inspections. States as diverse as Idaho, Indiana, California, New York, and New Mexico have child welfare staff conduct safety inspections for family homes.

Our proposal provided for collaboration with the state Fire Marshal's Office to train DHHS licensing staff who would use the same Life and Safety Code Standards as the fire marshals. DHHS child welfare licensing staff already had experience in the basic home inspection process that included identifying the location of smoke detectors, distance of wood stoves from walls or other combustible materials, appropriate covers for electrical outlets, and clutter free areas around heating devices. When a situation created concern or question, child welfare staff would contact the Fire Marshal or direct the home occupant to obtain needed professional inspections or certifications.

The existing process of child welfare licensing staff going to the home and the Fire Marshal then following up with an inspection caused delays due to scheduling and information sharing. Many families found it difficult to complete the process easily and to accommodate the schedules of both agencies.

DHHS and DPS entered into a MOU in April, 2009 [[copy attached](#)] to facilitate a trial period of DHHS staff completing the inspections with the support of Fire Marshals following up to ensure adequate inspection. During the summer of 2009, DHHS staff from all district offices received a full day of training on the inspection process to ensure a family home meets the Life and Safety Code requirements.

Between July 1, 2009, and December 31, 2010, DHHS staff completed 160 fire and safety inspections of relative single dwelling homes.

In July of 2010, the Foster Care Manager and the Director of Child Welfare Policy and Practice met with the Fire Marshal John Dean and Supervisor Nelson Collins to review the progress and outcomes. It was determined that, after completing 160 inspections with a follow up by the Fire Marshals, there were only 19 issues found and of those there were only 3 missed items. All of the rest of the items were identified by DHHS staff, who then worked with the family to make the correction and recorded that; however, they did not note the actual citation. As a result of this review of inspections, both DHHS and the Fire Marshals office are in agreement that DHHS staff should be responsible for conducting inspections of single family dwellings of relatives.

The Department has implemented the recommendations from this review to ensure our staff cite violations on the Plan of Corrections, even if the applicant immediately corrects the deficiency in the presence of the inspector. We now also cite the violation prior to granting an exception when appropriate for egress windows. We have added a category on the Plan of Corrections that states when a re-visit is needed. This was shared with staff. As of August 1, 2010, DHHS staff are completing inspections with no follow up by the Fire Marshals, and we have ensured safety for our children in foster care and expedited the licensing process.

In this initiative to reduce the duplication of state agencies, streamline processes, and ensure safety for children, we believe legislation to codify this process is appropriate and hope to submit draft legislation in the next session to accomplish this.