

The mission of MCWAP is to assure that the state 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.

Maine Child Welfare Advisory Panel

May 7th, 2021 / 9 a.m.- 11 a.m.

Virtual: Meeting held over Zoom

Co-Chair: Bobbi Johnson

Co-Chair: Deb Dunlap

Panel Coordinator: Kathryn Brice

Minutes

9:00 a.m.- Welcome and Introductions

Virtual attendance: Betsy Boardman, Kathryn Brice, Travis Bryant, Jamie Brooks, Ahmen Cabral Adrienne Carmack, Kelly Dell'Aquila, Deb Dunlap, Lanelle Freeman, Jim Jacobs, Bobbi Johnson, Annette Macaluso, Ashley McAllister, Libby McCullum, Deb McSweeney, Tammy Roy, Jean Youde

Approval of April Minutes: Members voted unanimously to approve the April minutes.

9:15 a.m.- New Business

Court Process Presentation: The Panel heard from Libby McCullum, Assistant Attorney General (AAG), and Betsy Boardman, Child Protective and Juvenile Process Specialist, regarding their roles and the court process.

Libby explained that there are over 200 attorneys in the Office of the Maine Attorney General, and multiple divisions- child support, child protective, licensing, etc.- in DHHS alone. Currently, 19 attorneys are assigned to the child protective division, each responsible for at least one court and its catchment area. When a caseworker files a petition with the court, the AAG assigned to that district becomes responsible for making sure the case proceeds as it should.

As part of her role as AAG, Libby explained that she is responsible for drafting court orders, responding to motions presented by defense attorneys, consulting with OCFS staff about legal considerations, and preparing witnesses to present their testimony. She is also responsible for trying, through multiple mechanisms, to negotiate agreements between the defense attorneys as well. Some of the facets considered when negotiating arguments include which judge is presiding over the case, what work the caseworker has done and who the defense attorneys are. As such, these negotiations are often discretionary and may be handled differently from one AAG to the next. For example, Libby noted that, like caseworkers and AAGs, judges may also sometimes make discretionary decisions. Over time, AAGs learn how a particular judge responds to a particular issue and that may tailor the AAG's focus in court. Libby highlighted that despite the level of discretion required in some of the decision making, at every level- casework, AAG, judge- child safety is always of utmost importance.

Betsy explained that there are two paths that can be taken when a Protective Custody (PC) petition is filed in the court: If a Preliminary Protection Order (PPO) is filed, the child is brought into state custody

immediately and the court becomes responsible for scheduling a hearing within 7-14 days. In contrast, when a caseworker files a straight petition, the court will schedule a case management hearing to occur at a later date. In either case, at the time of filing, the court is responsible for assigning counsel to each parent, as well as a guardian ad litem (GAL), or a Court Appointed Special Advocate (CASA) volunteer, to the children involved.

Despite the consistent timelines and practices that must be followed when a PC case is filed, there are differences between the courts in how they handle their case management conferences. For example, some courts will schedule a case management conference before a jeopardy hearing to provide the opportunity for the parties to discuss the issues at hand and negotiate as to whether an agreement can be reached. When jeopardy is found, whether through agreement or hearing, the jeopardy order must be issued within 120 days of when the petition was originally filed. Despite this, a good cause exception to this practice can be issued in certain circumstances, for example, if a parent has not been served or if the parent requests a new attorney. The courts have recently shifted to a new system that will allow them to track where those good cause exception cases are going and how long they are taking.

Judicial reviews occur at least once every 6 months once jeopardy is established. During this time frame, several things can happen: the parents can work towards reunification and trial home placement, OCFS could decide to petition for a termination of parental rights (TPR), etc. If a TPR is granted- which may be against one parent, or both- the court will continue to schedule judicial reviews and hearings until the child reaches permanency.

Betsy explained that the judicial branch is currently involved in pilot program related to quality hearings. Two judicial officers- one in Biddeford, and one in Waterville- have been trained in the national standards around conducting quality hearings, including kinship participation in hearings, parental engagement, substantive information and dialogue between parties in court, etc.

In addition to the above, the judicial branch also houses the Justice for Children Task Force. Like MCWAP, the Task Force promotes many projects and recommendations for improvement to the courts. Betsy mentioned that in part due to the work of MCWAP, the Task Force, and federal reviews, the courts have recently changed their practice around appointing counsel when fathers are unknown: in the past, counsel was only appointed to a father or putative father once he was identified. Now, courts are instead appointing counsel to fathers even if that person's name and physical address is unknown. With this change, the court is hoping to eliminate or reduce the significant learning curve (and subsequent delays) that occur when a new attorney is assigned to a case several months into the proceedings.

The Panel suggested that it might be interesting to track how many fathers eventually become engaged in the situations where an attorney is appointed to them before they are identified. The group also further discussed the quality hearing pilot project as it relates to involving resource families and youth, especially as the courts have transitioned over the last year to online videoconference hearings.

The Panel thanked Betsy and Libby for their presentation. Betsy shared the following link:
<https://www.courts.maine.gov/courts/family/child-protection.html>

Citizen Engagement: Members were reminded that in the past, a subcommittee was formed related to Citizen Engagement. In turn, bylaws were written to highlight that the Panel should be going to different community groups- youth, parents, tribal representatives, new Mainers, etc.- rather than requiring that an individual sit on the Panel in order to provide feedback. The Executive Committee felt it was

important to bring this back to the Panel as there are several populations that MCWAP should have more representation from.

Members discussed the need for an intentional strategy in doing so. For example, rather than expecting youth to integrate into the Panel's subcommittees, the subcommittees could use the report-out time to identify questions that they have for youth or another population. From there, it may be possible to convene a focus group where the questions can be discussed, and the information can be brought back to MCWAP. Members also wondered if it would be helpful to administer a youth survey, the way the Panel has developed a survey for parents and providers.

Members discussed the administration of the previous surveys and noted there is opportunity for greater inclusivity: the previous survey was not dispersed as widely as the Panel had hoped, and therefore lacked representation from families outside of southern Maine. Additionally, members thought there should be more intentional questions around demographics (race, whether a mother or father completing the survey, etc.) and further discussion around ensuring that the surveys are also being disseminated to families currently involved with CPS. Panel members noted the concern that they may be getting duplicate entries from one parent.

Members suggested that it would be valuable to reconvene a Citizen Engagement subcommittee.

Executive Committee: The Panel was notified that a few of members who had been sitting on the Executive Committee are no longer participating; as such, the Executive Committee is now comprised of more OCFS staff (3) than citizens (2). In addition, the Panel's bylaw specify that the chair/co-chair positions are outlined as three-year commitments, and Deb Dunlap is finishing up her second year. With that, members were invited to volunteer to participate on the Committee. Deb suggested that it would be helpful for a future co-chair to be identified soon, so that they could participate in the Executive Committee for a year before Deb's three-year term is up to ensure an intentional, planful hand-off.

Workgroup Meetings: The subcommittees broke out into separate Zoom rooms to work on their topics. Once the breakout groups rejoined the main group, they were asked to provide updates to the Panel:

1. Family-centered policy and practice

Kelly, Betsy, Lyn, Lanelle, Brittany, Esther, Annette, Andrea, Christine

Members reported that planning for the training series was temporarily halted in today's meeting. Instead, they spent their time prioritizing how to wrap up a few of the things that Kelly and Jamie have been heavily involved in, since they will likely no longer be sitting on the Panel after June. The group also discussed how to move forward with the parent survey, and have asked that a member of the Executive Committee join their subcommittee meeting on May 19th.

2. Effective communication/coordination for the care of children entering the system

Alana, Cindy, Jim, Ahmen, Deb McSweeney, Marie

The group reported that they are struggling with the scope of the communication piece and who it involves. Dr. Carmack notified them that OCFS had created a few new positions, including a well-being program manager position. Members felt that it would be helpful to set up a small meeting outside of MCWAP with this individual, Gretel Crockett, about how they might be able to collaborate efforts.

3. Father Engagement

Erin, Travis, Jean, Chris, Libby, Jamie, Kelly W., Ashley, Tammy

Many members of this subcommittee were not able to join today's meeting, so those who were present reported looking forward to gathering as a larger group next month. Tammy agreed to send an email to the subcommittee to detail the recent statewide Town Hall calls, including the agenda, how questions were developed, who facilitated, etc.

OCFS Updates: Bobbi elaborated on the new position mentioned earlier, reporting that OCFS has created a CPS program specialist, a permanency program specialist, and a well-being program manager. All three positions will be responsible for furthering the OCFS initiatives under those categories. To elaborate, the CPS program specialist will be looking at the intake and investigation processes, including the use of Family First Prevention Services in preventing removal. The permanency specialist will, in part, be responsible for formalizing the permanency review process and setting up data tracking and accountability structures. The well-being program manager will focus on all issues "well-being" for children in care: medical, dental, mental and behavioral health, educational, peer support, etc. She, in collaboration with Dr. Carmack, will also be supervising two nurse positions, one centered around the Plan of Safe Care, while the other will be tasked with a variety of other OCFS considerations, including initial medical appointments for children entering care, youth who are prescribed psychotropic medication, consulting in complex medical situations, etc. These positions will join two other previously established adoption and resource parent program managers.

Bobbi explained that OCFS continues to focus on quality FTMs and monthly contacts. May is National Foster Care Month and the focus is on foster care being a support for families: between 03/2019 and 03/2021, Maine has seen a 28% increase in foster homes; currently, 43% of youth are placed with relatives. Since October, 267 children have been reunified and 211 have exited care through adoption or permanency guardianship.

Regarding the OCFS workforce, there are currently only 7 casework vacancies in the state. OCFS believes this is due in part to the activities related to recruitment and retention, including an increase in casework lines and the stipend offered to district staff. OCFS will continue to explore staff recruitment and retention, acknowledging that staff turnover is known to impact the families served by OCFS. Also, OCFS just announced the name of the CCWIS program that will be replacing MACWIS- Katahdin.

Lastly, Bobbi noted that the Parents as Partners contract has not been renewed for the next fiscal year. She highlighted amazing value of the program over the years, crediting it to helping OCFS serve children and families. She also highlighted the partnership that the Department has entered into with Jordan's Furniture, where 20 youth who meet the criteria will be provided a gift card to help furnish their apartments or dorms.

11:00 a.m.- Adjourn and Next Steps

Kathryn to email members of the previous Citizen Engagement subcommittee to discuss reconvening.

Kathryn to distribute the OCFS updates via email.

Next Panel Meeting: Virtual Meeting, June 4th, 2021, 9 a.m.- 11 a.m.