



# ANNUAL REPORT 2024

## Maine Child Welfare Advisory Panel

Citizen Review Panel

Issued March 2025

# CONTENTS

|  |    |
|--|----|
| FOREWORD _____                                     | 4  |
| Citizen Review Panels _____                        | 4  |
| Who We Are _____                                   | 4  |
| What We Do _____                                   | 5  |
| EXECUTIVE SUMMARY _____                            | 5  |
| Overview _____                                     | 6  |
| Panel Development _____                            | 6  |
| Citizen Input _____                                | 8  |
| Child Welfare Policy Review _____                  | 10 |
| Panel Goal and OCFS Recommendations Progress _____ | 11 |
| Legislative Activity _____                         | 13 |
| Looking Ahead _____                                | 14 |
| POLICY AND PRACTICE RECOMMENDATIONS _____          | 17 |
| Supports and Services _____                        | 17 |
| Family Team Meetings _____                         | 18 |
| Information Sharing _____                          | 19 |
| Aggravating Factor _____                           | 21 |
| Reasonable Efforts _____                           | 22 |
| Trauma from Removal _____                          | 24 |
| Regional Care Teams _____                          | 25 |
| DEPARTMENT RESPONSES _____                         | 27 |
| Supports and Services _____                        | 27 |
| Family Team Meetings _____                         | 28 |
| Information Sharing _____                          | 28 |
| Aggravating Factor _____                           | 29 |
| Reasonable Efforts _____                           | 29 |
| Trauma from Removal _____                          | 30 |
| Regional Care Teams _____                          | 30 |
| SUMMARY OF PANEL ACTIVITIES 2024 _____             | 32 |
| PANEL MEMBERS 2024 _____                           | 35 |



# 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.<sup>1</sup> 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.




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<sup>1</sup> 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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## 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) typically schedules ten meetings per year, from September through June. In 2024, 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. Throughout its work in 2024, the Panel continued to focus on many of the areas of work from 2023, including:

- The need to improve Family Team Meeting practices;
- Continuing to review and discuss our legal system's response to 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.

This year, panel members also completed a revision to the triennial survey that is distributed throughout Maine's communities for parents with experience with the child welfare system to offer anonymous information and feedback. This year we also provided an opportunity for professionals and community partners to offer anonymous feedback. We are pleased to be able to share some of the results of this information gathering in this annual report on pages 8 and 9.

## Panel Development and Governance

While many members of the Panel this past year are continuing members, the Panel did welcome some new members in 2024. New members included: A guardian *ad litem*, a representative from a community action program, an individual with experience working with unhoused youth, and two representatives from the Maine Commission on Public Defense Services. The Panel's commitment to providing an accessible virtual format for our monthly meetings, except the annual full day in-person meeting in September, has enabled more consistent public participation. In 2024, several of our meetings included members of the public interested in the work of the Panel. To ensure responsiveness to this new development, the Panel has committed to offering a standing public comment opportunity at each meeting and updated our bylaws accordingly.

The Panel also recognized and discussed the extensive work being done in Panel subcommittees. To better enable all Panel members to participate in subcommittee work, while acknowledging that

all Panel members volunteer their time, the Panel voted to reduce the number of monthly meetings of the full Panel to six each year, instead of ten. Going forward, the Panel will meet in February, March, June, September, October, and November, with the September meeting continuing to be a full day, in-person annual meeting.

The chairs or designees of all three citizen review panels continued to meet quarterly to ensure 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; and through members of the public who have contacted the panel directly, usually through our website's [Contact Us](#) page.

### Parent & Provider 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.

In response to deficits in the survey tool identified by the Panel in 2021, the Panel committed to improving the survey tool in order to ensure the Panel can obtain consistent, comparable data to support meaningful conclusions to inform our recommendations for systemic improvement, consistent with our statutory charge. The panel released the new survey in March 2024 and encouraged feedback through the end of August.

MCWAP was unable to meet its goal of overhauling the survey that is distributed to providers and community partners in time to meet distribution timeline needs in 2024. The Panel's Citizen Engagement Subcommittee worked on a short, interim survey that was distributed to providers and community partners in August 2024. The Panel is committed to completing an overhaul of that survey tool before the next triennial survey is called for.

Responses to both the parent/custodian and provider/community partner surveys were aggregated and reviewed by the Panel in our November meeting.

*"Overall, I would like to see agencies designed to meet the needs of the entire family, parents and children, and include mental health and substance abuse treatment, visitation, and parenting education, and parent/child psychotherapy, all under one roof"*

*~ Anonymous Provider*

*"Engage families to co-develop plans; Peer Support at all stages of change (before/during and after involvement); Build trust with community providers to take the lead with supporting families."*

*~ Anonymous Provider*

*"I feel providing the family with the information up front about the process and how it will progress is very important. Along with making families from the very start knowledgeable of their rights from the very beginning and then throughout the process."*

*~ Parent with lived experience*

*"The caseworkers need more support through community services. There should also be a peer service like, parents that have dissolved successful cases that can be support to families currently involved in the system esp with substance abuse. This should be a position in all counties."*

*~ Parent with lived experience*



## MCWAP Survey Results

In 2024, MCWAP conducted a survey of parents who have experience with the child welfare system and service providers who work within the child welfare system. The opportunity to participate in the survey was distributed through partner networks as well as linked on the Maine Citizen Review Panel website. A summary of the survey results was provided to MCWAP and the panel is currently working on creating an information document to be posted publicly. Below is a brief summary of both survey results highlighting both opportunities for improvement and particular system strengths.

### Parent Survey

28 parents participated in the parent survey. The majority of respondents identified as female (89%). Approximately 18% of the surveys were from Cumberland County followed by Kennebec County. Most respondents (61%) were currently involved with CPS with an additional 25% indicating that they have been involved in the last year. The top three reasons noted for CPS involvement were Domestic Abuse and Violence, Drug or Alcohol Use, and Neglect of the Child.

Respondents, through identification of both strengths and opportunities in the system, highlighted the importance of (1) clear communication of expectations, (2) being and feeling respected, and (3) having the individual's rights, at all stages of the process, clearly explained.

### Provider Survey

There were 55 respondents to the provider survey. The majority of respondents were from the legal community and identified as guardians ad litem (18%), both a guardian ad litem and parent attorney (18%), or a judicial officer (14%). The highest respondent rate for non-legal professionals were individuals who identified as representing domestic violence/sexual assault agencies (11%). The majority of responses came from Cumberland County (16%) with respondents providing statewide services as the second highest (15%) followed by those providing services in Aroostook County (13%).

### Legal Respondent Data

Legal respondents, through identification of both strengths and opportunities in the system, highlighted the importance of (1) the breadth and depth of discussion during court proceedings, including discussion of case plans, making an Indian Child Welfare Act inquiry, reviewing the well-being of the child, establishing concrete steps and responsible parties to achieve permanency, and judicial finding of reasonable/active efforts; (2) the need for families to be included in the formation of case plans that are individualized and include services that are accessible and available; and (3) inclusion of youth voice in court proceedings.

### Service Provider Data

Service provider respondents reported the following about their provision of services: (1) 90% of providers agree that they have a good understanding of the child welfare system and process; (2) 79% of providers agree that families can access their services; (3) 74% of providers agree that their program is able to individualize services to meet the unique needs of child welfare involved families; and (4) 58% of providers disagreed that there was a waitlist for the services that they provide.

## Outreach from Citizens

The Panel also provides an opportunity for individual citizens to offer public comment through our website and/or direct contact with the Panel co-chairs. In response to outreach through our website or to a Panel co-chair, a member of the Panel's Executive Committee will 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 2024 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 month of May.

## Child Welfare Policy Review

The Office of Child and Family Services provides proposed new policies or policy revisions to the Panel for review and invites Panel members to give feedback before finalization of the policy. In 2024, the Panel and OCFS discussed how best to support the Panel's ability to review and offer meaningful feedback to OCFS as part of this process. In 2024, OCFS provided the Panel with one policy to review. This was the Placement Policy. The Panel understands that OCFS is hoping to finalize several new policies in the coming year and looks forward to the opportunity to collaborate with OCFS as part of those processes.

## Progress on 2023 Panel Goals

In 2023, the Panel established the following goals for itself:

1. **Reviewing the use of Social Security Benefits and Child Support collected by DHHS-OCFS and how these payments may offset other funding received by the Department:** This information has not been provided to the Panel for review.
2. **Examining and updating the Know Your Rights materials in partnership with individuals with lived experience:** The Family Centered Policy and Practice working group, in collaboration with individuals with lived experience in the child welfare system, has reviewed the Maine Cares brochure, which is provided by the Department to parents and custodians to help them understand their rights and current Department processes. Updates have been made to the MaineCare brochure and other relevant materials are under review.
3. **Continuing to convene the Family Team Meeting (FTM) workgroup:** The Panel's Family Team Meeting Subcommittee continued to convene to support its recommendation from 2023 that the Office of Child and Family Services 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. A bill to support the ability of OCFS to engage in this important work was received positively by the 131<sup>st</sup> Maine Legislature but failed to achieve the necessary appropriations before adjournment. The Panel continues to discuss concerns about family team meeting practices and more information can be found on this in the Panel's 2024 recommendations on page 18.
4. **Receiving an annual review from OCFS on its Strategic Plan and progress toward the goals outlined in the Program Improvement Plan (PIP) each April:** OCFS provides the Panel with an annual update in April. In 2024, the Panel did not meet in April, so the OCFS annual update happened in June. Additionally, the Panel received the following reports or updates:
  - An update on the first year of Maine's Home Builders Program, an intensive in-home services program supporting families at imminent risk of child removal.
    - A report on the Maine Judicial Branch's Quality Hearing Pilot Program, a commitment under the State's Program Improvement Plan.
    - An updated report on the first year of OCFS' Contingency Fund Program, which became available for use in late Spring 2023.

### Systems Goal Progress:

In 2023, the Panel made several system recommendations:

1. **The State should amend Title 22 to ensure automatic assignment of client-directed attorneys for children aged 10 or older upon the opening of a child protection case or upon turning 10 while in custody:** The Panel is not aware of any progress made on this recommendation.
2. **OCFS should review and align economic support for parents and custodians with the support provided to foster, resource, and kinship placements:** The Panel is not aware of any progress made on this

recommendation.

- 3. The Maine Board of Bar Overseers should offer the Child Welfare Law Specialist Certification for Maine attorneys:** The “Child Welfare Law Specialist” certification program offered through the National Association of Counsel for Children as a specialization available to Maine attorneys is being discussed by the Justice for Children Task Force as a recommendation that has been additionally made through the JCTF’s Parent Attorney/GAL Recruitment and Retention Subcommittee.
- 4. OCFS should develop, with external assistance, an evaluation system for Maine’s Family Team Meeting model, incorporating data collection, case reviews, and quality improvement measures:** Legislation was proposed in 2024, L.D. 857 *“An Act to Improve Family Team Meetings in Child Welfare Cases to Ensure Better Outcomes for Children by Providing Adequate Funding,”* but it was not enacted.
- 5. Establishing an Office of Parent Counsel:** The Maine Commission on Public Defense Services established the Division of Parent Counsel in 2024. This Division of Parent Counsel has already started working to strengthen the representation available to parents and custodians in protective custody cases. The Division Chief has begun participating in several of the Panel’s subcommittees as well as in systemic advocacy to promote the State’s ability to enhance the safety and wellbeing of families.
- 6. OCFS should provide the Panel with data on children housed in hotels or district offices and update policy to require timely notification to case parties:** OCFS has twice provided the Panel with point in time data concerning the number of children being cared for in hotels. The Panel has continued to ask for aggregate, deidentified data that is more comprehensive than point in time data. That has not been provided to date. The Panel continues to discuss its concerns on this topic and better data would assist the Panel in considering ways to support mobilizing community-based supports or encouraging systemic improvements to address the needs of Maine children/youth staying in hotels or being cared for in district offices. The last update the Panel received regarding its policy recommendation was that OCFS has not updated any policy to require the timely notification of all case parties when a child is being cared for in a hotel or a district office.
- 7. Ongoing review of Homebuilders Program implementation:** The Panel received information from OCFS in June 2024 on the first year of the implementation of the Homebuilders Program. The report indicated that implementation and statewide expansion was slow. However, preliminary findings tended to show that the program effectively prevents child removals.

The Panel remains committed to tracking progress on these initiatives and continuing its advocacy for meaningful improvements in the child welfare system

## Legislative Activity

### Reports

MCWAP is required by statute<sup>1</sup> 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 2024, a Panel Co-Chair provided reports to the Legislature's Joint Standing Committee on Health and Human Services in March and July.

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<sup>1</sup> Title 22, Section 4010-D.



## 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 also 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 2025 strategic goals for the Panel were approved by vote in October 2024.

### 1. Services Provided for Parents and Youth After a Child Welfare Case is Closed or a Youth Ages Out

*MCWAP will convene a specific subcommittee to do research on and compile information about what services are provided for both parents and youth once a child welfare case is closed or the youth ages out of the system. This will include gathering information in Maine and other states and jurisdictions regarding existing practices and policies related to post child welfare involvement services and supports. Policies and practices related to youth and parents will be considered separately. Additionally, MCWAP will seek to develop a better understanding of the association and cyclical nature of providing aftercare services and prevention services.*

The abrupt ending of services can be a contributing factor to repeat risk factors for families who have experienced child welfare system involvement. Building family networks and community support before, during and after a case, helps to prevent, mitigate harm, and prevent recurrence of child abuse and neglect by improving ways for our communities to work together to support families.

A growing body of research shows that economic and concrete supports can prevent family separation, decrease time to permanency for children who have been removed from their parents, decrease the risk of subsequent abuse or neglect, and enhance child and family well-being.<sup>2</sup> Particular consideration should be given to this kind of support extending beyond the end of a child welfare case, to prevent the recurrence of risk and involvement with the child welfare agency.

Post child welfare involvement supports provide pathways to increase self-identified protective factors which can disrupt the cycle of child welfare involvement for families. Building family networks and community support before, during and after a case, increases child safety and family well-being across the continuum, by improving ways for our communities to work together to support families long term.

<sup>2</sup> <https://www.casey.org/flexible-funding-strategies/>

## 2. Increased Education and Engagement Around Title IV-E Funding

*The Panel requests that, by June 2025, the Office of Child and Family Services and Casey Family Services provide education to the Panel around Title IV-E funding. This should focus on:*

- *What are all of the allowable uses for Title IV-E funds?*
- *What does Maine currently use Title IV-E funds for?*
- *How much Title IV-E funds are used for each purpose?*
- *What can we take advantage of that we are currently not?*
- *How can Title IV-E funds be used for legal representation?*

Title IV-E funds are a critical financial resource for supporting the child welfare system response. The Panel would like to better understand where Maine could be making additional use of Title IV-E funds as part of improving the broad child welfare system. This has come up in discussion in two main contexts. In recent years, the Panel has advocated for pre-petition legal representation. Other states have successfully accessed Title IV-E funds for this purpose. The Panel would like to understand how that has worked and what barriers exist to similarly leveraging Title IV-E funds for this upstream intervention and support strategy in Maine. Additionally, the Panel has observed ongoing issues experienced by school districts with transportation obligations of children who are in foster care out of district and need to be transported. The Department of Education only covers these costs when it is required under an Individualized Education Plan, which is only a fraction of the population of children in foster care requiring this transportation. School districts struggle with these costs. The Panel sees benefit in also understanding what aspects of a child's care while in the custody of the Department are supported with Title IV-E funds.

## 3. Family Team Meetings

*The Family Team Meeting Workgroup will continue meeting to support and monitor new and ongoing assessments of the FTM model. The workgroup will continue to utilize feedback regarding FTM model and practice from the Department, community partners and families engaged with the Department.*

MCWAP should monitor and support the Department's efforts to enhance practices to support best outcomes for families by assessing, evaluating and improving practices related to Family Team Meetings. This includes exploring pathways for resource allocations to improve data collection methods and assess the FTM model and practice.

Information received through formal surveys and anecdotal information provided to MCWAP by families engaged by the Department, professionals who are critical case members and employees of the department are essential to supporting the goal of improving FTMs. Past submissions of experiences by these sources have been instrumental in guiding legislation, developing supportive resources and providing essential feedback on the gaps and challenges for families within the system's response.

Retaining the membership and structure of the group will enhance MCWAPs ability to effectively evaluate and mobilize supportive responses.

The workgroup has also identified ongoing opportunities to support the Department in evaluating/assessing FTMs. Support may particularly be helpful in identifying and reinforcing requests for tangible resources to be applied to improve the FTM model and the collection of data to inform assessments.



# 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 2024. 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 continued to openly discuss and acknowledge significant unabated challenges that face many aspects of Maine's child welfare response, including: (1) persistence workforce challenges, including incredibly high turnover 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.

## 1. Create a Plan to Improve the Availability of Needed Services and Supports

***In response to reports by the Child Welfare Ombudsman and OPEGA, the Department should develop a plan that includes specific steps, investments needed, and timeline for implementation, to improve service availability to ensure required services are available and accessible for families involved with the child welfare system. This should include a particular focus on the availability of services that relate to the most prevalent risk factors for families involved in the child protective system in Maine, i.e. parental substance use, mental health needs, and domestic abuse and violence. It should also include tangible steps to improve accounts payable practices to support existing and expanded availability of community-based services for families engaged in the child welfare system.***

Improving the accessibility and availability of services, particularly to address the challenges for parents most frequently associated with child protective involvement (substance use, mental health, domestic violence), will ensure more parents are able to receive the services and supports needed to improve child safety. Both the Child Welfare Ombudsman and OPEGA identified the need to address family services gaps in 2023 reports. The Panel has also received concerns from community-based providers who contract with the Department to provide these services about regular delays in payment that require providers to carry unpaid costs for months at a time. The Panel is aware that a resolve was recently passed by the Legislature tasking the Department with assessing the timeliness of payments to contracted providers, with a report due in February 2025.<sup>3</sup> Improving the reimbursement process will be essential to

<sup>3</sup> Resolve, to Review the Timeliness of Contract Payments by the Department of Health and Human Services <https://www.mainelegislature.org/legis/bills/getPDF.asp?paper=SP0875&item=3&snum=131>

expand access to these services. With investment at all levels of the service continuum, we can provide support to families to prevent child protective involvement, address potential concerns to child safety, and provide the necessary support to parents through the reunification process.

## 2. Address the Critical Need to Improve Family Team Meeting (FTM) Practices Statewide

***The Office of Child and Family Services (the Department), with existing resources, will engage in an internal process of evaluating Family Team Meetings by gathering quantitative data to inform evaluations of practices for consistency and fidelity to Family Team Meeting Policy. The Department should include resources in the 2026 organizational budget to the appropriate department/division to engage an outside organization to assess/evaluate Family Team Meeting Model. The Maine Legislature should provide such funding to the Department if such funding does not already exist. Additional data collection goals should support the ability of the Department to measure their consistency of practice with FTM policy, including feedback from caseworkers about their experience with the FTM model and feedback from families and professional supports engaged with families in FTMs. The department will update MCWAP on a regular, and no less than, a quarterly basis.***

Family Team Meetings represent a crucial event within the child welfare system that functions as a bridge between the Department and the parents and caregivers of children. The quality of FTMs and the information obtained in these meetings critically informs reunification services, child safety, and, most importantly, long-term well-being outcomes for children.

Over the last few years, MCWAP has received feedback from citizens and Panel members about Family Team Meetings and the relationship between the policies governing them and the practices being engaged in across the state. This various feedback has prompted MCWAP to conclude that FTM practice does not align with Department policy. Given the important role that FTMs are designed to play in child welfare processes, when practice does not align with policy, it has a negative impact on families, impairing their ability to understand the Department's concerns, impeding information sharing between critical case members, and failing to capitalize on opportunities for family members to obtain important services and resources they need to reach Department defined goals for success. These noted impacts have significant implications for both family safety and reunification.

In the second session of the 131st Maine Legislature, MCWAP supported LD 857 – Resolve to Establish a Process to Evaluate the Family Team Meeting Model. This bill actioned MCWAP's recommendation in its 2023 Annual Report to support better FTM practice and outcomes.

In part, MCWAP's testimony for LD 857 laid out the importance of the FTM event for families engaged by the Department as, "...the primary method of engaging parents, parent attorneys, and Guardians ad

litem in the participation of creating rehabilitation and reunification plans pursuant to 22 M.R.S. §4041(1-A)(A)(1)(a).” The testimony asserts the importance of the Department continuing to evaluate adherence to policies, stating that, “considerable information has been shared with the panel by members and through feedback by those with experience of the system response, which led to MCWAP asking for data from the Department to examine the extent to which FTM practice aligns with policy. MCWAP discovered that routine and reliable data is unavailable and generally not collected regarding several of the requirements that are set out in the FTM policy.”<sup>4</sup>

The Department testified neither for nor against the measures proposed by LD 857 and uplifted the need for money to be budgeted to accomplish this work, in line with what this recommendation suggests they undertake.

In a research summary, provided to MCWAP by the National Council of State Legislatures, one jurisdiction in the U.S., District of Columbia, has a formalized process for the evaluation of team meetings, which happens during a specific part of their child protective systems response. The details about this process seemed less applicable than the existence of a process by which the information is formally collected by outside entities to engage in data review and policy compliance, similar to what this recommendation suggests for the Department. Notably, Washington D.C. collects similar information to what Maine has identified as useful in assessing FTM models and evaluation policy compliance and therefore may be a helpful resource to the Department in their considerations of this recommendation<sup>5</sup>.

The Department is aware of MCWAP’s concerns regarding inconsistencies in practice and quality of FTMs and has engaged with MCWAP in discussions aimed at improving outcomes for families. The Department has acknowledged that currently collected and available FTM data is insufficient to reliably inform whether the requirements outlined in policy are being complied with in practice.

### 3. Improve Information Sharing on Child Deaths

***The Department should disclose and report the death of a child in the custody of the Department to the Child Welfare Ombudsman's Office and The Child Death and Serious Injury Review Panel (CDSIRP) The Department should (1) amend the Child and Family Services Manual, chapter 3, subsection 26, to include mandatory notification to the Child Welfare Ombudsman's Office and CDSIRP; (2) Report the number of deaths of children while in the custody of the Department on a quarterly basis to the legislative committee that has oversight of DHHS; and (3) Review chapter 3, subsection 26, in totality and edit language and subsection heading. Additionally, beginning no later than March 2025, CDSIRP will begin conducting, at a minimum, a Level Two review of any case where a child dies in the custody of the Department whenever***

<sup>4</sup> MCWAP’s full Testimony on LD 857, on January 16<sup>th</sup>, 2024 can be accessed here: <https://legislature.maine.gov/bills/getTestimonyDoc.asp?id=10026220>

<sup>5</sup> For the information provided by NCSL, and data points evaluated by the jurisdiction of Washington D.C., see link: <https://code.dccouncil.gov/us/dc/council/code/sections/16-2312a>

***that review is statutorily permitted.***

Centralizing the response to and assessment of circumstances in child deaths within the Office of Child and Family Services limits the ability of the entire child welfare system to provide adequate and effective systems change that aims to provide and improve intervention responses and preventative measures as a result of a child death, specifically when the child death occurs while that child is in the custody of OCFS. Additionally, there is a much higher burden on the system to ensure that children in the custody of OCFS are safe and well cared for. Therefore, the death of any child in the custody of OCFS should be specifically noted to the CDSIRP and the Child Welfare Ombudsman Office by OCFS and reviewed in order to engage in a thorough and timely, multisystem evaluation of the circumstances leading to the child's death.

Upon notification of the death of a child in the custody of OCFS, when statutorily permitted, CDSIRP will conduct a Level Two review at the next practicable meeting. Level Two reviews are usually categorized by a shared characteristic, frequently indicative of a similar type of incident, system's response, and/or potential remedy. Typically these reviews are done in a cluster format, which through this recommendation would change the usual process for reviewing cases of children who die in the custody of OCFS. However, the methodology of the review would remain consistent; to examine cases of child death where the common factor is the child being in State custody.

CDSIRP is independent from OCFS and conducts independent internal case evaluations. The process by which the panel can engage in case review increases the ability to engage in review of OCFS processes and response, as well as, provides additional support to improve our state's efforts to keep children safe and healthy. Representatives from both OCFS and the AAGs office attend panel meetings and would continue to be part of these conversations, while also authorizing other professionals to provide valuable insight and expertise to evaluate these cases.

Overview of the panel's discussions on these cases will be reported to the legislative committee that has oversight of DHHS as part of the ongoing quarterly updates provided by panel leadership. The overview should support ongoing efforts to evaluate, improve, and increase awareness of protective systems responses and provide for and enhance the safety and well-being of children in the custody of the State of Maine.

## 4. Address Misaligned Aggravating Factor

***A prior involuntary termination of parental rights as an aggravating factor (22 M.R.S. § 4002(1-B)(C)) should be repealed.***

Under current Maine law, in a protective custody proceeding, it is considered an “aggravating factor” for a parent to have previously had their rights to a child terminated *involuntarily*.<sup>6</sup> Other aggravating factors include: the parent has subjected any child that they were responsible for to rape, gross sexual assault, sexual abuse, incest, aggravated assault, kidnapping, promotion of prostitution, sexual exploitation of a minor, sex trafficking, abandonment, torture, chronic abuse, or any other treatment that is heinous or abhorrent to society; the parent has refused for 6 months to comply with the treatment required in a reunification plan; the parent has been convicted of a crime of murder, felony murder, manslaughter, aiding, conspiring or soliciting murder or manslaughter, felony assault that results in serious bodily injury of another child in their care; the parent has abandoned the child.<sup>7</sup>

The consequences of a finding of an aggravating factor are that the Department, after having obtained a PPO, can obtain a court order that they have no obligation to support reunification of the subject child with that parent.<sup>8</sup> This aggravating factor could be found even in cases where the parent’s involuntary termination was many years prior, without regard to the parent’s current circumstances, challenges, or ability to parent safely with appropriate services and supports. This provision also creates an unfortunate incentive for parents, especially young parents, to consent to the termination of their parental rights to children in situations where they may have had a successful outcome at trial, in order to avoid a future aggravating factor. Where the aggravating factor does not apply to *any* prior termination of parental rights, only those terminations where that parent chose to exercise their constitutional right to have the State prove their unfitness by the requisite standard, it unfairly infringes on a parent’s right to have a trial prior to a termination of the parent-child relationship.

When a parent-child relationship can be maintained safely with adequate services and support, the State has a moral obligation to all parties, including the child, to do everything it can to explore that as a possibility. Our current statutory structure provides a specific pathway to preclude second chances for parents who have failed at any point in their past, regardless of the reason or any change in circumstances.<sup>9</sup>

Child welfare system partners have reported that this aggravating factor is one that is seldom used, as it does not align with best practice child welfare policies, which encourage supporting the parent-child

<sup>6</sup> See 22 M.R.S.A. § 4002(1-B)(C).

<sup>7</sup> See 22 M.R.S.A. §4002(1-B).

<sup>8</sup> See 22 M.R.S.A. § 4041(2)(A-2)(1).

<sup>9</sup> “In child protection proceedings, what is past is often prologue regarding the threat of serious harm posed by the parent, and here, the court appropriately considered the father’s past actions when it found that the children had been placed in circumstances of jeopardy.” *In re E.L.*, 2014 ME 87, ¶ 14, 96 A.3d 691.

relationship wherever that can be safely maintained. As it is rarely used and is antithetical to what Maine’s child welfare system partners recognize is the best practice approach to child welfare system intervention, and its goals, it should be eliminated from our statutes.

Every child deserves to have a full and fair opportunity to maintain a relationship with their family of origin where that can be safely accomplished. Judging current capacity for parental fitness based on a past decision to have a contested termination of parental rights hearing that was ultimately unsuccessful, does not align with that approach.

## 5. Reinforce the Requirement to Provide Reasonable Efforts to Rehabilitate and Reunify Families

***22 M.R.S. § 4055 should be amended to make the Department’s obligation to provide reasonable efforts to rehabilitate and reunify a discrete element that is required prior to termination of parental rights. Child welfare partners should collaborate to ensure relevant data is collected to evaluate the effect of this amendment over a period of years.***

“Reasonable efforts” refers to the assistance, services, and supports provided by the Office of Child and Family Services, as Maine’s child welfare agency, to families in order to preserve and reunify families. Federal law requires states to make “reasonable efforts” to preserve and reunify families: (1) prior to the placement of a child in foster care, to prevent or eliminate the need for removing the child from the child’s home; and (2) to make it possible for a child to safely return home.<sup>10</sup> Absent certain special circumstances, OCFS is required to make “reasonable efforts” in all cases. This aligns with the purposes of Title 22 to only remove children from their family of origin when failure to do so would jeopardize the child’s health and welfare and require that reasonable efforts be made as a means for protecting the welfare of children.<sup>11</sup> Including a reasonable efforts determination as a discrete, required element for termination of parental rights promotes the dispositional priorities of protecting a child from jeopardy and giving custody of the child back to a parent (or keeping them with a parent) at the earliest possible time.<sup>12</sup>

Currently, if the Court orders that reasonable efforts have not been made, the consequence is loss of federal funding being provided to OCFS as that child is not deemed eligible for Title IV-E funding. Title IV-E funding is used to support expenses associated with the child being in the custody of OCFS. Consequences to parents and legal guardians, up to and including termination of their parental rights, may proceed regardless of whether or not the Court makes a reasonable efforts finding.

<sup>10</sup> Child Welfare Information Gateway. (2020). Reasonable efforts to preserve or reunify families and achieve permanency for children. Washington, DC: U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau, <https://ocfcpacourts.us/wp-content/uploads/2021/09/1.-Reasonable-Efforts-to-Preserve-or-Reunify-Families-and-Achieve-Permanency-for-Children.-new-committee-to-review.pdf>. 42 U.S.C • 671(a)(15).

<sup>11</sup> 22 M.R.S.A. §4003.

<sup>12</sup> 22 M.R.S.A. §4036(2).

At least 13 other states require a finding of reasonable efforts to proceed with termination of parental rights.<sup>13</sup> An additional 14 other states<sup>14</sup> include language in their statutes requiring reasonable efforts of the state's child welfare agency to factor more firmly into the decision-making process than current Maine Law. For example, Florida statute prohibits finding a parent failed to comply with their case plan if "the failure to substantially comply with the case plan was due to the parent's lack of financial resources or to the failure of the department to make reasonable efforts to reunify the parent and child."<sup>15</sup>

In Maine, there are a number of barriers preventing parents from being provided and engaging in services to successfully rehabilitate and reunify their families. There are numerous shortages in available services for parents or fully staffed services that prevent parents from fully engaging in these services. In addition, there are sometimes gaps in connections to existing services. The loss of Title IV-E funds has been insufficient to ensure fidelity to this obligation given the obstacles currently presented.<sup>16</sup>

Although parents in several Law Court appeals have raised the argument that the Department has not made reasonable efforts, the Law Court has stated that even in cases where the trial court concluded that the Department had not made reasonable efforts, the Court cannot use this as a basis to overturn the termination. In the published opinions and memoranda of decisions issued by the Maine Law court over the last five years, the sufficiency of reasonable efforts provided have been a frequently contested issue.<sup>17 18 19</sup> For example, 22 M.R.S. §4041(1-A)(1)(c)(iv) requires that the Department provide reasonable transportation to and from reunification services and family visits. 22 M.R.S. §4041(1-A)(1)(c)(v) requires the Department to create a schedule of and conditions for visits between the child and the parent. The failure of the Department to ensure appropriate visits and transportation are available for families can prejudice and/or result in delays in the reunification process. These systemic failures also have the ability to emotionally harm the child and disrupt the parent-child relationship, which is a central determination in any court proceeding.

#### Adding accountability for the obligation to provide reasonable efforts as part of court determinations

<sup>13</sup> These include: Alaska, Arizona, California, Connecticut, New Jersey, New York, Ohio, Rhode Island, South Dakota, Texas and Utah.

<sup>14</sup> These include: Alabama, Arkansas, Colorado, Florida, Illinois, Indiana, Kansas, Maryland, Massachusetts, Minnesota, Missouri, New Mexico, Tennessee and Wyoming.

<sup>15</sup> Fla. Stat. Ann. § 39.806.

<sup>16</sup> "Although the Department filed rehabilitation and reunification plans pursuant to section 4041(1-A), the plans failed to afford the mother opportunities for home visits with sufficient nursing care or resources in place to assist her in alleviating jeopardy." *In re Child of Barni A.*, 2024 ME 16, ¶ 24, 314 A.3d 148.

<sup>17</sup> "We have long held that although the Department's obligations pursuant to section 4041 are mandatory, the Department's failure to satisfy those obligations does not preclude a termination of parental rights. *In re Daniel C.*, 480 A.2d 766, 770 (Me.1984). We have stated: "We simply do not detect any legislative intent that the department's reunification efforts be made a *discrete* element of proof in termination proceedings," even though the court *may* consider the lack of reunification efforts as one factor in evaluating the parent's conduct for unfitness. *Id.* at 770–71." *In re Doris G.*, 2006 ME 142, ¶ 16, 912 A.2d 572.

<sup>18</sup> *In re Child of AnnaMarie D.*, MEM 2022-033.

<sup>19</sup> The Panel also notes several cases where the Law Court has recognized procedural deficiencies on the part of the Judicial Branch and similarly held that those procedural deficiencies were not sufficient to interrupt the termination. See *In re: Child of Jillian M* (no judicial reviews held for 17 months); *In re: Child of Travis G.* (acknowledging the court failed in its judicial review obligations).

would not be unprecedented in Maine. The Indian Child Welfare Act already requires the Department to affirmatively demonstrate “active efforts”<sup>20</sup> at rehabilitation and reunification as part of all ICWA cases.

The Panel observes that families of low socio-economic standing are disproportionately represented in child welfare cases. These families often have overlapping vulnerabilities that create challenges to families in obtaining the supports and services they need to be successful. Where the consequence is the permanent severing of the constitutionally protected parent-child relationship, and where unnecessary termination of the parent-child relationship can cause long-term harm on the child, there must be better guardrails in place to ensure that the state complies with its obligation to provide reasonable efforts to prevent removal and reunification/rehabilitation in order to avoid unnecessary termination of the parent-child relationship.<sup>21</sup> Children deserve to have a full and fair opportunity to safely return to their family of origin.

## 6. Consider Trauma to Children of Removal from Family

***OCFS should update its policies to explicitly require, when determining whether to seek a Preliminary Protection Order, consideration of the trauma to the child of removing the child from their home. Additionally, the caseworker should document how they have weighed the harm of removal with the immediate risk of serious harm within their affidavit in support of a Preliminary Protection Order. 22 M.R.S. § 4034(4) should be amended to include the need for the Court, both when reviewing the ex parte Request for a Preliminary Protective Order and during the Summary Preliminary Hearing, to include in its consideration the trauma of removal when determining whether ~~or not~~ to grant or continue the Preliminary Protection Order. In any order after a Summary Preliminary Hearing, the Court should make findings that the risk of harm to the child outweighs the trauma of removal and that the Department has exhausted options to mitigate the risk. This information should be included in the Preliminary Protection Order for the judge’s consideration. Additionally, 22 M.R.S. § 4034(4) should be amended to state: “The court shall hold the summary preliminary hearing on the preliminary protection order within 14 days but not less than 7 days after issuance of the preliminary protection order...”***

“Research, policy and practice indicate that child removal and entry into foster care evokes emotional and psychological trauma and is the most drastic safety intervention utilized by a child welfare agency.”<sup>22</sup> This is an intervention that is designed to be used only when absolutely necessary to mitigate serious, imminent harm. Our justice system should only allow this to happen when it is absolutely necessary to mitigate serious, imminent harm. That necessarily means those cases where the harm of the child remaining

<sup>20</sup> “Active efforts” means affirmative, active, thorough and timely efforts intended primarily to maintain or reunite an Indian child with their family. <https://www.bia.gov/sites/default/files/dup/assets/bia/ois/ois/pdf/idc2-041405.pdf>.

<sup>21</sup> The Panel notes that, as of 2019, Maine’s rate of children subject to termination of parental rights proceedings was higher than the national average, with the 16th highest rate. See page 5, <https://familyjusticeinitiative.org/wp-content/uploads/sites/48/2023/10/Ties-That-BInd-Us.pdf>.

<sup>22</sup> Vivek Sankaran. "A Cure Worse Than the Disease? The Impact of Removal on Children and Their Families." Christopher Church and Monique Mitchell, co-authors. Marq. L. Rev. 102, no. 4 (2019): 1163-94, <https://repository.law.umich.edu/cgi/viewcontent.cgi?article=3055&context=articles>.



in their home outweighs the harm that the trauma of that removal will cause the child and all reasonable efforts have been expended to structure supports and interventions that would allow the child to remain without the risk of serious, imminent harm.

Other states have taken steps to ensure there is an appropriate balancing of the harms and that all other options have been considered. The Panel recommends Maine implement a similar approach.

- Washington State: Statute requires a balancing of the imminent physical harm to the child with the harm the child will experience as a result of the removal. Case law further requires a court, in its consideration of any reasonable efforts expended by the state child welfare agency, to look at the harm of removal to the child.
- New York: Case law outlines a requirement that the court cannot just find the existence of a risk of serious harm, but must look further and weigh whether the imminent risk to the child can be mitigated by reasonable efforts to avoid removal. It must factually determine which course is in the child's best interest.
- Montana: Statute requires the state welfare agency to include in its affidavit for removal specific written documentation as to why the risk of allowing the child to remain in the home substantially outweighs the harm of removing the child, including consideration of: the emotional trauma the child is likely to experience if separated from the family. The court is required to similarly weigh those considerations and make findings to that effect.
- Mississippi: State agency policy requires agency staff to consider the harm of removal in their decision making about removal of a child.
- Iowa: Statute requires the court, in a removal proceeding, to make specific findings that substantial evidence exists to demonstrate the need for removal is greater than the potential harm, including physical, emotional, social or mental trauma the removal may cause the child.
- Washington, DC: Court rules allow, but do not require, the court to evaluate and weigh the harm of removal against the harm alleged in allowing the child to remain in their home.

Some additional states do not have specific statutes, case law or easily identifiable court rules that mandate so specific a finding but have interpreted the requirement that the state agency make reasonable efforts to prevent removal, combined with a requirement that the court consider the best interest of the child, to mean that harm of removal from the home should be considered.

There are several different approaches that Maine could explore to enact and implement a more trauma-informed, family-centered practice around removal considerations. Maine should join other states that have engaged in this thoughtful reform.

## 7. Expand Regional Care Teams to Include Youth and Families

***The current infrastructure in place for youth involved or at-risk of becoming involved in the juvenile justice system, the Regional Care Teams (RCTs), should be expanded to include youth and families who are***

***currently involved or at-risk of becoming involved in the child welfare system. The RCTs should have a particular focus on youth transition services and support for those youth aging out of care. The Maine State Legislature should provide funding to additional state agencies, such as the Department of Education, Department of Labor, and Department of Health and Human Services, to allocate toward RCT funding and support.***

The [Regional Care Teams \(RCTs\)](#) is a collaboration between the Maine Department of Corrections, the University of Southern Maine, and the Center for Youth Policy and Law at the University of Maine School of Law. There are three regional RCTs. The mission of each team is to strengthen cross-system collaboration including youth providers, and incorporate community involvement to increase the accessibility of local community-based continuum of care. Currently, RCTs are convened to support justice-impacted youth to help the youth remain and thrive in their chosen community.

From 2020 to 2023, RCTs received 231 referrals for youth support and distributed \$71,247 to help support youth in their communities. Financial support provided included:

- Family and Relationship Support: Financial assistance was provided to youth who lacked “a family or other positive adult support system, or where there was a need to support a family or guardian(s) in stabilizing the young person.”<sup>23</sup>
- Safety or Supervision: Financial support provided to help youth in crisis.
- Concrete Economic Support: Financial support for utilities such as heating, housing, and access to technology. Of note, 38% of the distributed funds were noted as being for “costs associated with housing needs, which often prevented housing insecurity for young people and their families.”

Of the 231 youth who were referred to the RCTs, one-third of those youth (73), were dual systems involved, meaning, those youth had involvement with both the juvenile justice system and the child welfare system. Expansion of the RCTs to include children and families involved in the child welfare system or at risk of becoming involved in the child welfare system would cast a wider net in ensuring that youth and their families remain intact and within their communities of choice.

Another function of the RCTs is identification of community-based services that are lacking for youth and families. While the RCTs have had a significant impact on providing immediate needs that allow for youth and families to remain in their communities, often service needs of youth remain unmet due to lack of availability. RCTs are able to gather community specific resource gaps that are identified through case specific interactions. Expanding the scope of the RCTs would enable an on-the-ground group of individuals to identify and lift up specific service gaps.

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<sup>23</sup> [Year 3 Regional Care Teams Report](#)

# 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 2024 Policy and Practice Recommendations.*

## **Create a Plan to Improve the Availability of Needed Services and Supports**

***In response to reports by the Child Welfare Ombudsman and OPEGA, the Department should develop a plan that includes specific steps, investments needed, and timeline for implementation, to improve service availability to ensure required services are available and accessible for families involved with the child welfare system. This should include a particular focus on the availability of services that relate to the most prevalent risk factors for families involved in the child protective system in Maine, i.e. parental substance use, mental health needs, and domestic abuse and violence. It should also include tangible steps to improve accounts payable practices to support existing and expanded availability of community-based services for families engaged in the child welfare system.***

### **OCFS Response:**

OCFS agrees that as a state, it is critical to continue to build capacity in programs and initiatives that strengthen a family's ability to meet the needs of their children, which can prevent abuse and/or neglect. Accessibility of services remains one of the key issues impacting Maine people of all ages and circumstances statewide. One of the primary contributing factors is the ongoing workforce crisis affecting all employment sectors. OCFS remains committed to collaborating with internal partners, particularly the Office of Behavioral Health and MaineCare, and external partners, including advocates, providers, and other government entities, to explore and implement innovative solutions to these complex challenges.

## Address the Critical Need to Improve Family Team Meeting (FTM) Practices Statewide

*The Office of Child and Family Services (the Department), with existing resources, will engage in an internal process of evaluating Family Team Meetings by gathering quantitative data to inform evaluations of practices for consistency and fidelity to Family Team Meeting Policy. The Department should include resources in the 2026 organizational budget to the appropriate department/division to engage an outside organization to assess/evaluate Family Team Meeting Model. The Maine Legislature should provide such funding to the Department if such funding does not already exist. Additional data collection goals should support the ability of the Department to measure their consistency of practice with FTM policy, including feedback from caseworkers about their experience with the FTM model and feedback from families and professional supports engaged with families in FTMs. The department will update MCWAP on a regular, and no less than, a quarterly basis.*

### OCFS Response:

OCFS agrees that Family Team Meetings (FTMs) play an important role in ensuring robust and comprehensive communication with families, providers and other supports about the child protective process. In 2025, OCFS will conduct an internal evaluation related to the quality and consistency of FTMs statewide, which will include feedback from participants and a review of related data. As per usual procedure, MCWAP will be consulted in any recommended policy or practice updates under consideration. This initiative is one of several efforts by OCFS to enhance consistency and quality in child welfare practice, while still providing the highest level of services to the children and families currently served by the system.

## Improve Information Sharing on Child Deaths

*The Department should disclose and report the death of a child in the custody of the Department to the Child Welfare Ombudsman's Office and The Child Death and Serious Injury Review Panel (CDSIRP) The Department should (1) amend the Child and Family Services Manual, chapter 3, subsection 26, to include mandatory notification to the Child Welfare Ombudsman's Office and CDSIRP; (2) Report the number of deaths of children while in the custody of the Department on a quarterly basis to the legislative committee that has oversight of DHHS; and (3) Review chapter 3, subsection 26, in totality and edit language and subsection heading. Additionally, beginning no later than March 2025, CDSIRP will begin conducting, at a minimum, a Level Two review of any case where a child dies in the custody of the Department whenever that review is statutorily permitted.*

### OCFS Response:

The Maine Department of Health and Human Services' Office of Child and Family Services (OCFS) has reported all child fatalities to the Ombudsman pursuant to P.L. 2021, Chapter 550 since 2022. Given the mandate of the Child Death and Serious Injury Review Panel, it has long been OCFS' practice to share fatality

information with CDSIRP. This is accomplished by sharing lists and summaries of fatalities and serious injuries prior to the Panel's meetings and discussing those summaries (known as a Level 1 review) at the Panel's regularly scheduled meetings.

OCFS receives subject matter direction from the chairs of the Legislature's Health and Human Services Committee prior to each quarterly update presented to the Committee. If information regarding the death of children in state custody is desired by the Committee, OCFS provides that information within the bounds of all applicable state and federal confidentiality laws.

The third portion of this recommendation is directed to the Child Death and Serious Injury Review Panel. OCFS values the work of this panel as an independent entity and believes the panel's members, which represent a wide variety of fields and experience, are best qualified to determine which cases to conduct in-depth reviews on based on the information presented to the panel in the Level 1 review process. This allows the panel the opportunity to maximize their time together in meetings and identify new and emerging areas of concern for further exploration.

## Address Misaligned Aggravating Factor

***A prior involuntary termination of parental rights as an aggravating factor (22 M.R.S. § 4002(1-B)(C)) should be repealed.***

### OCFS Response:

OCFS believes that the statute as currently written provides an important legal tool to ensure safety and timely permanency for children. In OCFS' experience, the provision that allows the use of a prior involuntary termination of parental rights as an aggravating factor is not used frequently (and certainly not in every new case involving a prior involuntary termination of parental rights), but when it is utilized, it is in situations where doing so is in the best interest of the children based on their circumstances.

## Reinforce the Requirement to Provide Reasonable Efforts to Rehabilitate and Reunify Families

***22 M.R.S. § 4055 should be amended to make the Department's obligation to provide reasonable efforts to rehabilitate and reunify a discrete element that is required prior to termination of parental rights. Child welfare partners should collaborate to ensure relevant data is collected to evaluate the effect of this amendment over a period of years.***

### OCFS Response:

There already exists an expectation both in statute and in practice that the Department provide reasonable effort to rehabilitate and reunify. This process is closely overseen by a District Court Judge in the protective custody proceeding. OCFS believes that allowing an independent and impartial Judge to determine if the Department has demonstrated reasonable efforts appropriately balances accountability in rehabilitation and reunification services for both the Department and parents

involved in these proceedings.

## Consider Trauma to Children of Removal from Family

***OCFS should update its policies to explicitly require, when determining whether to seek a Preliminary Protection Order, consideration of the trauma to the child of removing the child from their home. Additionally, the caseworker should document how they have weighed the harm of removal with the immediate risk of serious harm within their affidavit in support of a Preliminary Protection Order. 22 M.R.S. § 4034(4) should be amended to include the need for the Court, both when reviewing the ex parte Request for a Preliminary Protective Order and during the Summary Preliminary Hearing, to include in its consideration the trauma of removal when determining whether or not to grant or continue the Preliminary Protection Order. In any order after a Summary Preliminary Hearing, the Court should make findings that the risk of harm to the child outweighs the trauma of removal and that the Department has exhausted options to mitigate the risk. This information should be included in the Preliminary Protection Order for the judge's consideration. Additionally, 22 M.R.S. § 4034(4) should be amended to state: "The court shall hold the summary preliminary hearing on the preliminary protection order within 14 days but not less than 7 days after issuance of the preliminary protection order..."***

### OCFS Response:

The trauma associated with removal is well documented and acknowledged both within OCFS' practice and policy. To address this, the Department has invested in the Family First Prevention Services Plan, with the goal of preventing removal whenever it can be safely avoided. Staff are expected to explore and utilize all available options to minimize harm for both children and parents. Nonetheless, removal is sometimes necessary in some instances to ensure a child's safety. Typically, when preparing a petition for Preliminary Protection Order time is of the essence based on the specific facts and circumstances compromising the safety of the child(ren).

OCFS believes the second portion of this recommendation regarding the statutory timeframe for summary preliminary hearings is best directed to the Maine Judicial Branch which would be tasked with implementing this change.

## Expand Regional Care Teams to Include Youth and Families

***The current infrastructure in place for youth involved or at-risk of becoming involved in the juvenile justice system, the Regional Care Teams (RCTs), should be expanded to include youth and families who are currently involved or at-risk of becoming involved in the child welfare system. The RCTs should have a particular focus on youth transition services and support for those youth aging out of care. The Maine State Legislature should provide funding to additional state agencies, such as the Department of Education, Department of Labor, and Department of Health and Human Services, to allocate toward RCT funding and support.***

### OCFS Response:

OCFS believes that this recommendation is too broad to effectively implement. The number of families that could be considered “at-risk” of becoming involved in the child welfare system depends greatly on one’s definition of “at-risk”. Even if this term were to be better defined there already exists a strong system of opportunities for case reviews and creative efforts to support children and families. These include regular supervision between the caseworker and their supervisor, the Team Decision Making (TDM) process, court oversight in Protective Custody cases, the Permanency Review Process, and consultation provided by OCFS’ Clinical Support provider. OCFS appreciates the panel’s focus on youth transition and support for youth aging out of care. OCFS agrees that this is a population whose circumstances can present novel challenges. OCFS has a dedicated Youth Transition team of staff, has engaged in numerous opportunities to provide financial support for these youth including the Alumni Transition Grant Program, extending the maximum age for participation in the Voluntary Extended Care Program to 23, and continuing to work with providers to expand the number of transitional living housing grants available for this population. The remainder of this recommendation is outside of the Department’s authority.

# SUMMARY OF PANEL ACTIVITIES 2024

MCWAP meetings continued to be held on a virtual platform in 2024, with an in-person annual meeting held 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*

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The Panel discussed plans for some of the 2024 meetings. Members provided information, feedback and support to the Citizen Engagement Subcommittee, which continues to work on improving the parent survey. The Family Team Meeting Subcommittee reviewed legislation that was proposed in response to MCWAP's 2023 recommendation. The Panel agreed to provide supportive testimony and discussed benefits and challenges of the Panel participating in legislative process.

## *FEBRUARY*

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Guardian ad Litem Services Coordinator for the Maine Administrative Office of the Courts, Kaela Scott, Esq., presented to the Panel on the roles and responsibilities of guardians ad litem, including court appointed special advocates. Panel members had an opportunity to ask Attorney Scott questions and were interested in Attorney Scott being a continued resource to the Panel. Child Protective and Juvenile Process Specialist for the Maine Administrative Office of the Courts, Betsy Boardman, Esq., presented the 2023 Annual Report of the Maine Justice for Children Task Force.

## *MARCH*

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The Child Welfare Services Ombudsman, Christine Alberi, Esq., presented her 2023 Annual Report. Panel members had an opportunity to also review OCFS' response. Panel members discussed the work being done around safety science and were provided with the 2022 Maine Safety Science Report. OCFS gave an extensive overview of the restructuring within the state agency as well as an overview of some of the issues on which OCFS is seeking support from Public Consulting Group.





## APRIL

The Panel did not meet in April 2024 to allow members to attend various other child welfare related continuing education opportunities, including the Maine Judicial Branch's Court Improvement Program's annual and multi-disciplinary Child Welfare Conference.

## MAY

Child Protective and Juvenile Process Specialist for the Maine Administrative Office of the Courts, Betsy Boardman, Esq., presented information about the results from and next steps for the Judicial Branch's Quality Hearing Pilot Project. Members engaged in a lengthy discussion about next steps and expressed a desire for community stakeholders to receive timely information about expansion. The Panel discussed proposed changes to the Panel's bylaws. A substantial portion of the meeting was devoted to review and discussion of input provided to the Panel by a parent attorney through the Panel's individual citizen feedback process. Concerns brought forward to the Panel included: ● The frequency of families coming to court for scheduled court dates without having been appointed counsel has created a routine practice in at least one court of trying to recruit random parent attorneys already in the building to act in the capacity of "lawyer of the day." This is not a supported practice. ● Parents are being deprived of due process in PC cases where they are waiting weeks, and sometimes more than a month, for required professionals to be

appointed to their cases while their children are in the Department's custody under a PPO. ● Court-based administrative functions around appointment of counsel are not working as they should as cases that need counsel are not appearing on the list and attorneys are unclear in what role they are being appointed. ● A concern was raised about the assignment of responsibilities to various professionals, particularly around the possibility of conflicts of interest either not being considered or leading to unhelpful process delays. Perspective was shared concerning the responses of court clerical staff. The Panel engaged in extensive discussion in response to this feedback. Panel members asked for and were provided with several news articles that similarly raised the same or similar concerns about court process and challenges in protective custody cases.

## JUNE

OCFS Director Bobbi Johnson provided the OCFS Annual Update to the Panel. Topics included the Practice Model, Strategic Priorities, staffing, steps taken to support state agency staff in cases involving substance use, and steps OCFS leadership has taken to build stronger partnerships. The Panel also received information about the first year of the Homebuilders Program and the first year of the contingency fund operations. Panel members had an opportunity to ask questions and make requests and suggestions.

## ***JULY AND AUGUST***

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Panel summer break. Subcommittees continued to convene virtually to work on their topic.



## ***OCTOBER***

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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.

## ***SEPTEMBER***

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The Panel hosted its 2024 Annual Meeting in person. Members reviewed and discussed panel goals that were proposed by subcommittees for the Panel's work in 2025. 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.

## ***NOVEMBER***

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Results from the 2024 Parent and Provider Surveys were shared with the Panel. The Panel reviewed prior recommendations around family team meetings, discussing that there continues to be concern that aligning family team meeting practice with the family team meeting policy is a struggle. OCFS provided an update, including their participation in a conversation around mandatory reporting and supporting an understanding of the difference between poverty and neglect. Recent staffing challenges were discussed, with OCFS noting some recent losses of trained staff due to inability to pass the licensing exam and members noting that, while the number of vacancies may not have increased, the degree of staff turnover continues to deeply affect the state agency's response. Panel members renewed concerns about children in need of placement being cared for in hotels and hospitals and renewed its request for additional data on this from the state agency.

# PANEL MEMBERS 2024

*Panel Co-Chair:*

**Andrea Mancuso**

Public Policy Director  
Maine Coalition to End Domestic Violence

*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, LCSW, LADC, CCS**

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

*DHHS-OCFS Representatives (non-voting):*

**Bobbi Johnson, LMSW**

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

**Jean Haynes**

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

**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

*\*Resigned August 2024*

*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

**Kelly Dell'Aquila**

Family Centered Support Coordinator  
The Opportunity Alliance

**Ariel Piers-Gamble, 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

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

**Ashley Morrell, LMSW**  
Associate Ombudsman  
Maine Child Welfare Ombudsman

**Michelle Westbrook**  
Family Engagement Specialist  
Catherine Cutler Institute

**Edgar Wiseman**  
Family Engagement Specialist  
Catherine Cutler Institute  
*\*Resigned August 2024*

**Abbie Rohde, LCSW, CCS**  
Director of Behavioral Health  
Alternative Wellness Services

**Brent Beaulieu**  
Detective Lieutenant  
Bangor Police Department

**Melissa Hackett**  
Coordinator  
Maine Child Welfare Action Network

**Beth Gagnon**  
Assistant Director and Preschool Head Teacher  
Heidi's House Child Care

**Jennifer Needham, LSW**  
Director of Residential Services  
Marian's Place Youth Shelter  
*\*Joined November 2024*

**Jim Billings, Esq.**  
Executive Director  
Maine Commission on Public Defense Services  
*\*Joined June 2024*

**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

**Craig Smith**  
Assistant Ombudsman  
Maine Child Welfare Ombudsman

**Kris Pitts, MPS, MSW**  
Community Services Director  
New Beginnings  
*\*Resigned January 2024*

**Chelsea Peters, Esq**  
Parent Attorney

**Taylor Kilgore**  
Guardian Ad Litem

**Julie Smyth**  
Director  
Office of School and Student Supports

**Ashley Perry, Esq.**  
Guardian Ad Litem  
Office of School and Student Supports  
*\*Joined November 2024*

**Christine Hufnagel**  
Assistant State Director  
Bethany Christian Services  
*\*Joined November 2024*

**Molly Owens (non-voting)**  
Parent Counsel Division Chief  
Maine Commission on Public Defense  
Services  
*\*Joined October 2024*

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

**Kris Pitts, MPS, MSW**

Community Services Director  
New Beginnings

**Edgar Wiseman**

Family Engagement Specialist  
Catherine Cutler Institute

**Tammy Roy**

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

# 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.

The Panel would like to thank the Maine Legislature, especially the Joint Standing Committees on Health and Human Services and Government Oversight, for their interest MCWAP's activities and recommendations. Members would also like to thank the other two citizen review panels, the Justice for Children Taskforce and the Child Death and Serious Injury Review Panel, for their continued collaboration with MCWAP in 2023, and for the shared commitment to communicating regularly and working effectively together.

The Office of Child and Family Services continues to collaborate and dedicate time and resources to ensure the success and independence of the Maine Child Welfare Advisory Panel. Members are grateful for the technical support that Jenna Joeckel, CAPTA/CJA Coordinator provides for all Panel activities. The Panel would also like to thank those OCFS staff members who have regularly shared their expertise and perspective in panel subcommittees throughout the year.

There are many individuals and organizations working on the front lines every day to promote child safety and family well-being. The Panel would like to thank all of the caseworkers and supervisors of Maine's Office of Child and Family Services, Child Welfare Department, and the community providers who work alongside them in the broader child welfare system, for the service, care, and attention they provide each and every day to Maine's children, youth, and families.

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