

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 3, 2024; 9 a.m. - 11 a.m.

Co-Chairs: Ahmen Cabral; Andrea Mancuso

Panel Coordinator: Jenna Joeckel

Minutes

9:00 a.m. - Welcome and Introductions:

Attendance: Andrea Mancuso, Betsy Boardman, Jenna Joeckel, Craig Smith, Ashley Perry, Christine Hufnagel, Ed Wiseman, Kelly Dell'Aquila, Senator Donna Bailey, Maura Keaveney, Brent Beaulieu, Melissa Hackett, Travis Bryant, Erika Simonson, Julie Smyth, Kathryn Brice, Esther Anne, Julian Richter, Beth Gagnon, Michelle Westbrook, Heidi Aakjer, Melissa Martin, Bobbi Johnson.

**Guests of the Panel – Darcy Fisher, Jim Billings

9:10 a.m. – MCWAP Housekeeping:

The panel voted on and approved the March minutes.

Prior to the meeting, panel members were provided with the reports that were presented to the Health and Human Services Committee and the Government Oversight Committee by MCWAP, the Justice for Children Task Force, Child Death and Serious Injury Review Panel and the Child Welfare Ombudsman. Members did not have any further questions about the reports at this time.

9:15 a.m. – Quality Hearing Pilot Project Presentation:

Betsy Boardman, Esq., Child Protective and Juvenile Process Specialist for the Maine Judicial Branch, provided a presentation about the Quality Hearing Pilot Project. The presentation included information about the Office of Child and Family Services Program Improvement Plan, Key Activities related to the Quality Hearing Pilot Project, the court improvement program, and plans for expansion of the Quality Hearing Project to other court locations.

Discussion:

Members were interested in learning more about the unique questions that are asked in the Judicial Review setting and the barriers to the expansion to all courts. Evaluation methods determined that the Initial Transformation Project was a proactive change for all involved in the courtroom and, over the course of the project, individuals involved became familiar with the process and questions that were being asked. The judicial reviews initially took longer but got shorter as all court participants came to expect what questions the judicial officer would ask and came prepared to present that information proactively.

Members wanted to learn more about why this project would not be expanded in the short term to all District Courts. Uniformity in how judicial reviews are handled would be beneficial. What are the barriers? Capacity was noted as a barrier: there is a lot of administrative work to manage with an expansion. However, the project is being expanded to more District Courts and will soon cover the majority of judicial officers who hear PC cases regularly. Hoping for a September start, so that it aligns with prior work on the project. The goal is to get to uniform/universal expansion, and we will get there.

Decisions are still being made regarding the best strategy to share information with public partners. Some information about the program was shared at the annual Maine Judicial Branch Child Welfare Conference that took place in early April. There is an intention to have stakeholder training/info sessions, as some of the community partner feedback that was received was that partners in the child welfare system did not have information when the initial Quality Hearing Pilot Project was launched and felt it would have been beneficial for stakeholders to be more informed. The Judicial Branch may create a modified version of the bench guide that reviews generally what will be asked and the focus areas.

At the 2024 Maine Judicial Branch Child Welfare Conference, a presentation was provided by Claire Anderson, MSW about the Importance of Economic & Concrete Supports in Keeping Children Safe and Families Strong. Members asked for the slides from the presentation. The panel coordinator will provide them to panel members upon receipt.

9:45 a.m. – Bylaw Discussion:

The Panel received amended bylaw suggestions prior to the meeting. The reasons for the Executive Committee proposing these bylaws were presented to the Panel: including ensuring a manageable panel size, ensuring each panel member can vote on business of the panel, clarifying the Executive Committee's role when members of the public indicate an interest in joining the panel, allowance of structure around public participation in panel meetings, and noting statutory requirements around frequency of full panel meetings. There were no questions or issues raised by panel members.

The panel coordinator will send a link for voting on bylaw amendments to members prior to the next meeting.

9:55 a.m. -Citizen Feedback

The Panel reviewed the process for MCWAP to receive and review citizen feedback. The citizen feedback reviewed by the Panel today was from an attorney who represents parents in child welfare proceedings. The citizen feedback raised several concerns about the child welfare system, including:

- **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. How are they understanding or able to invoke their rights?**

- **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.**
- **This parent from the citizen feedback case, whose child was removed from their care, is themselves a minor in the custody of DHHS; and the petition to remove their child from their care was based exclusively on the fact that they were seriously assaulted by the child's other parent, who does not live with them. The child was not present at the time of the assault.**
- **Where this parent was themselves in DHHS custody, and so already had a caseworker and GAL, there was a troubling assignment of responsibilities to various professionals to this subsequent case involving the removal of their child; concerns with conflicts of interest of professionals further delayed resolution; court clerical staff was unhelpfully resistant to engaging on this issue.**

Discussion:

Panel members discussed factors that have influenced availability of attorneys that represent parents including:

- Payment changes; Attorneys are now paid by the Maine Commission in Public Defense Services (PDS) instead of the Judicial Branch, which handled payment prior to the creation of PDS. Current billing practices for attorneys are viewed as more challenging and time consuming.
- The older generation of attorneys are drifting away from the practice and there are not enough attorneys taking their place.
- There are additional requirements for attorneys that are needed for qualifying for the roster that are perceived as barriers by attorneys.
- PC cases take a lot of time. It is not uncommon for an attorney to carry a case for several years.
- There is more of a focus on standards of practice to support parents. There is an intentional move away from attorneys taking too many cases and, as a result, not being able to do good work on them.
- There is no mechanism for PDS to reimburse an attorney that a parent has selected to be their attorney when that attorney is not on the roster.

Panel members stated that there needs to be an increased focus on prevention and connecting families with services prior to CPS involvement to change the perception that the child welfare system is risk averse. There was much discussion around this point. There is a need to put more focus on prevention and connecting families with services prior to child protective involvement to change that and narrow the front door. OCFS has become the solution, even when their involvement is not really the right intervention. Challenges that influence the length of time that child protective services are involved with families include the limited number of services in communities for parents to engage in. Title IV-E funds can be used to narrow the front door. That would require Department leadership. Members who attended the Casey Conference the prior week noted that there are opportunities that exist that were discussed at the Conference that could be explored more thoroughly.

One member noted the benefit that universal language has in the child welfare system, including concrete definitions, such as a more concrete definition of what jeopardy is and what it is not. One member suggested applying the ICWA higher evidentiary standard to all cases should be considered

Members noted that navigating the protective custody process without an attorney would be overwhelming for any parent, especially so for a minor parent. What do we do for these parents/families, given what we know about how many parents are without appointed counsel?

The panel discussed the Guardian Ad Litem Standards and practice including situations when there may be a conflict of interest or a dual role. Members determined that there can be risks and benefits to the dual role depending on the circumstances. Members asked questions about the Office of Child and Family Services (OCFS) policy in retaining counsel for children who are in custody and involved in the juvenile system or have had a child removed from their care. Bobbi Johnson, Director of OCFS, shared that for PC cases, OCFS relies on the Courts to appoint counsel.

A recent Article from the Maine Monitor was mentioned. Panel members asked for access. Links to recent articles can be found below:

- [Lack of attorneys keeps parents waiting in child removal cases \(4/14/2024\)](#);
- [‘Secret courts and secret decisions’: Calls for transparency in Maine’s child welfare system \(5/5/2024\)](#);
- [‘Maine has lost sight of parents’ and children’s right to be together’: The case of Barni A. \(5/27/2024\)](#)

10:40 a.m. -OCFS Updates and Member Updates

Bobbi Johnson, Director of OCFS shared that Public Consulting Group (PCG) completed a management audit in March 2024. The recommendations are being reviewed and feedback is being gathered. A recommendation that was made included redesigning the role of the Associate Director of OCFS. This position has been posted and interviews are taking place. The vacancy rate throughout the state has decreased by nearly 50% (83 vacancies in December 2023, 40 vacancies this week; Lewiston still having challenges)

Jim Billings from MCILS has asked to become a member of the panel. The panel will receive an electronic vote regarding membership prior to the next panel meeting.

10:50 a.m. – Subcommittee Updates:

Citizen Engagement Subcommittee – The Parent survey is live until August 2024. Panel members are encouraged to share it with families. The subcommittee is now focusing their work on development of the provider survey.

Family Centered Policy & Practice Subcommittee – The subcommittee has Identified the reports and relative case law for further review. The reports and case law are being reviewed to identify areas of further conversation to help inform this year’s recommendations. The subcommittee has also reviewed their parking lot and will be discussing several of those topics over the summer to further inform recommendations.

Family Team Meetings Subcommittee - [L.D. 857](#) is on the appropriations table. The subcommittee is scheduled to meet in May to identify next steps. The Legislature is set to return on 05/10. If the bill is funded, it will need to be signed by the Governor.

Next Panel Meeting: June 7, 2024, 9 a.m. – 11 a.m.