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Information Brief

Oversight of Maine's Child Protective Services

Presentation - January 21, 2022

Report to the Government Oversight Committee (GOC)
by the Office of Program Evaluation and Government Accountability (OPEGA)

Overall CPS Project

- **Oversight of Child Protective Services - Information Brief (January 2022)**
- **Protecting Child Safety**
 - Initial Investigation and Assessment - Evaluation Report (March 2022)
 - Reunification and Permanency - Evaluation Report (September 2022)

Information Brief

- Synthesis of relevant facts, background, and contextual information in order to build knowledge and understanding of a topic.
- Not a full evaluation – in a full evaluation we evaluate the performance and outcomes of an agency or program through extensive data collection and analysis to develop and present findings, conclusions, and recommendations.

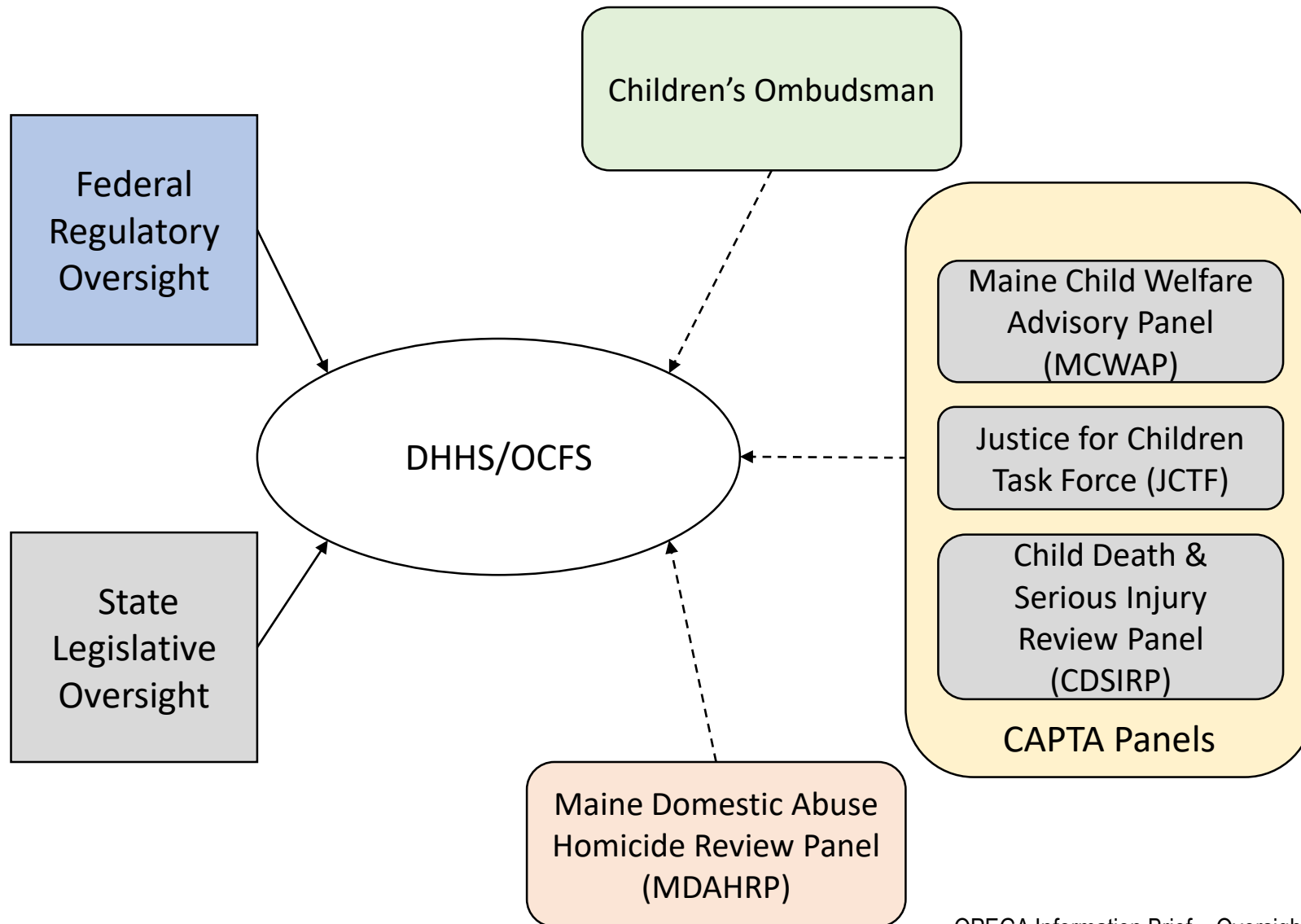
Assigned Topics

1. Current oversight structure
2. Roles and responsibilities oversight entities
3. Information sharing between/among
4. Best practices and models of oversight
5. Effectiveness in structure

Presentation Outline

- A. Oversight Landscape
- B. Lessons and Observations
- C. Federal Regulatory Oversight
- D. State Advisory Oversight
 - Children's Ombudsman
 - State Advisory Panels

CPS Oversight Landscape



Lessons and Observations

1. Structure of Oversight

- CPS administered by DHHS/OCFS are subject to in-depth regulatory oversight by the federal government as well as advisory oversight from a network of state-level entities.
- Federal oversight is comprehensive and outcomes-oriented with financial penalties for nonconformity.
- State-level advisory oversight engages all three branches of government and both public and private sector stakeholders.

Lessons and Observations

2. Roles & Responsibilities

- Roles and responsibilities of the different entities address both macro-level oversight of the system and micro-level review and oversight of specific CPS cases, including cases of death and serious injury.
- Four state-level panels and the Ombudsman have distinct missions, but there is a degree of overlap as well as nuanced differences in the scope of activities.

Lessons and Observations

3. Information Sharing

- Information is routinely and regularly shared among the state-oversight entities and DHHS/OCFS.
 - Often the result of panel members and DHHS/OCFS staff being members of more than one oversight entity.
- Several state oversight entities working to formalize and institutionalize information sharing practices to ensure continuity.

Lessons and Observations

4. Best Practices & Models

- State-oversight entities are structured and practicing in a manner that generally aligns with published best practices for CPS oversight entities.
- Several of these entities have recently made or are in the process of implementing changes to improve alignment.

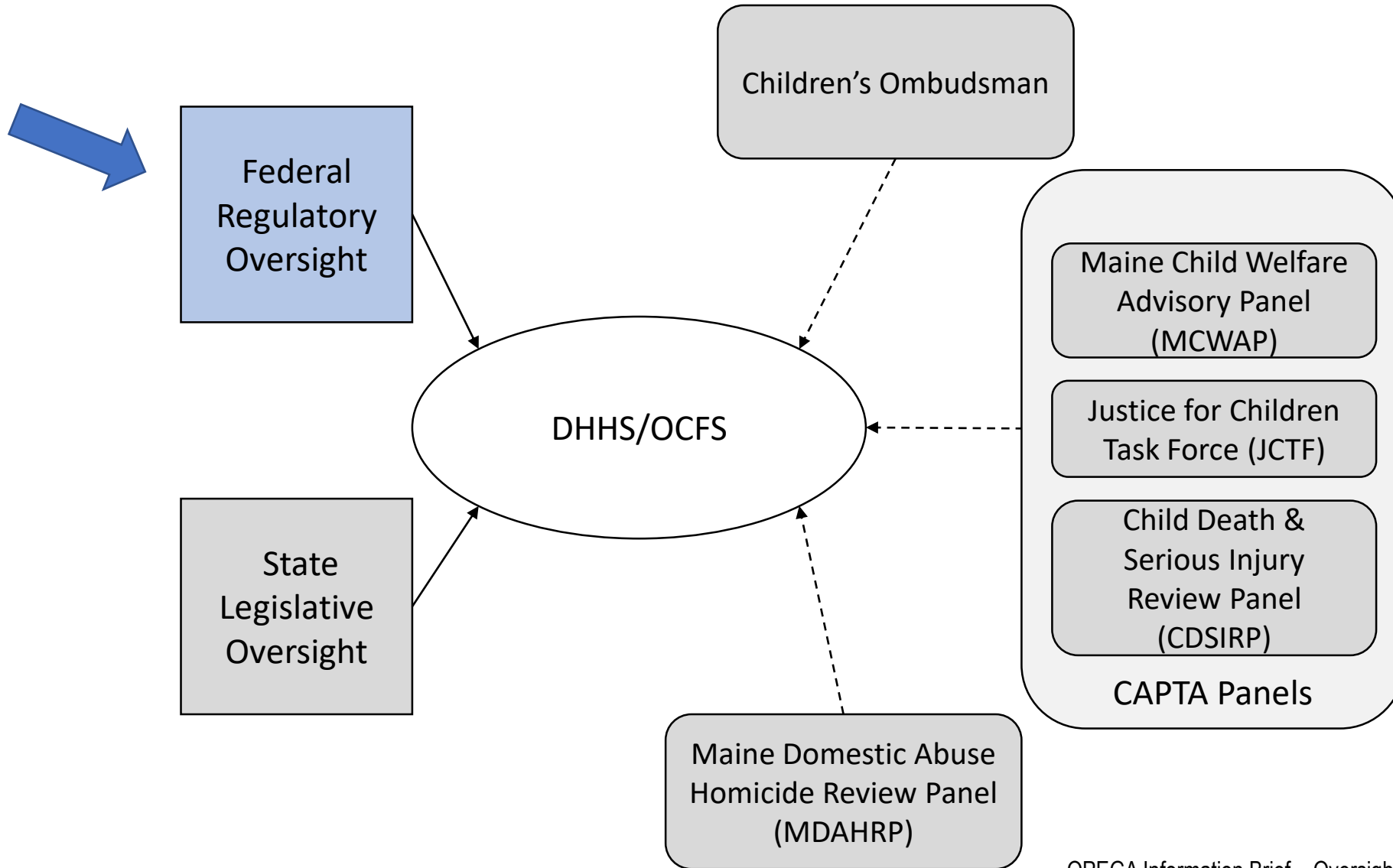
Lessons and Observations

5. Effectiveness of Structure

Without benefit of a full evaluation, we cannot draw evaluative conclusions about effectiveness of the oversight structure. However, we can say:

- Current oversight structure includes many opportunities for DHHS/OCFS to obtain *multiple points of view* and draw on *expertise of multiple professional disciplines* engaged in CPS across the private sector and multiple levels and branches of government.

CPS Oversight Landscape



Federal Regulatory Oversight

- *Federal oversight provides a consistent, extensive, and detailed process that tracks and measures outcomes and systemic factors.*
- Consistent: same process is used in all states.
 - Extensive: process includes evaluation of 7 major outcomes and 7 systemic factors that influence outcomes, measured by 36 separate data items and involves numerous stakeholders in the state.
 - Detailed: Child & Family Services Review (CFSR) and Program Improvement Plan (PIP)

Child & Family Services Review (CSFR)

- Child & Family Outcomes; Systemic Factors
- Case Reviews, Stakeholder Interviews, Statewide Assessment
- CFSR Final Report (U.S. DHHS Children's Bureau)
 - Areas of conformity and areas needing improvement
- Program Improvement Plan
- Financial Penalties

Maine's Performance – CFSR Round 3

Table 1 - See page 8

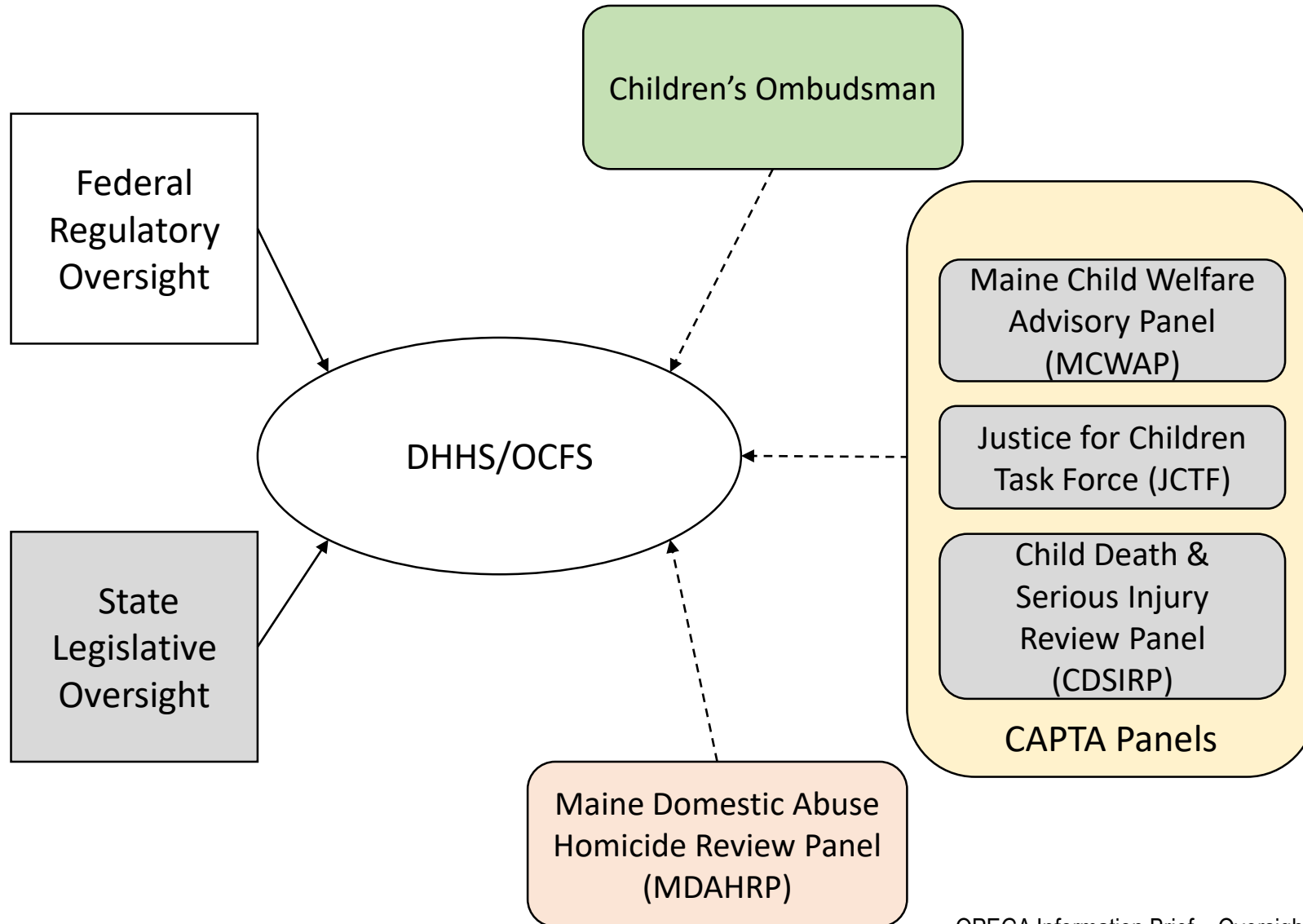
Substantial Conformity:
1 outcome
4 factors

PIP required

- Approved Feb 2020
- Covid-19 extensions
- Implementation ends 7/31/2022
- Evaluation period ends 1/31/2024

Table 1. New England States' 3 rd Round CFSR Performance						
	ME	CT	MA	NH	RI	VT
Conformity with Child & Family Outcomes						
Safety 1: Children are, first and foremost, protected from abuse and neglect.	No	No	No	No	No	No
Safety 2: Children are safely maintained in their homes wherever possible and appropriate.	No	No	No	No	No	No
Permanency 1: Children have permanency and stability in their living situations.	No	No	No	No	No	No
Permanency 2: The continuity of family relationships and connections is preserved for children.	No	No	No	No	No	No
Well-being 1: Families have enhanced capacity to provide for their children's needs.	No	No	No	No	No	No
Well-being 2: Children receive appropriate services to meet their educational needs.	YES	No	No	No	No	No
Well-being 3: Children receive adequate services to meet their physical and mental health needs.	No	No	No	No	No	No
Conformity with Systemic Factors						
Statewide information system	YES	No	YES	No	YES	YES
Case review system	No	No	No	No	No	No
Quality assurance system	YES	YES	No	YES	No	No
Staff and provider training	No	No	No	No	No	No
Service array and resource development	No	No	No	No	No	No
Agency responsiveness to the community	YES	YES	YES	YES	YES	YES
Foster and adoptive parent licensing, recruitment, and retention	YES	No	No	No	No	No
Source: <i>Child and Family Service Reviews 3rd Round</i> https://www.cfsrportal.acf.hhs.gov/cfsr-reports						

CPS Oversight Landscape



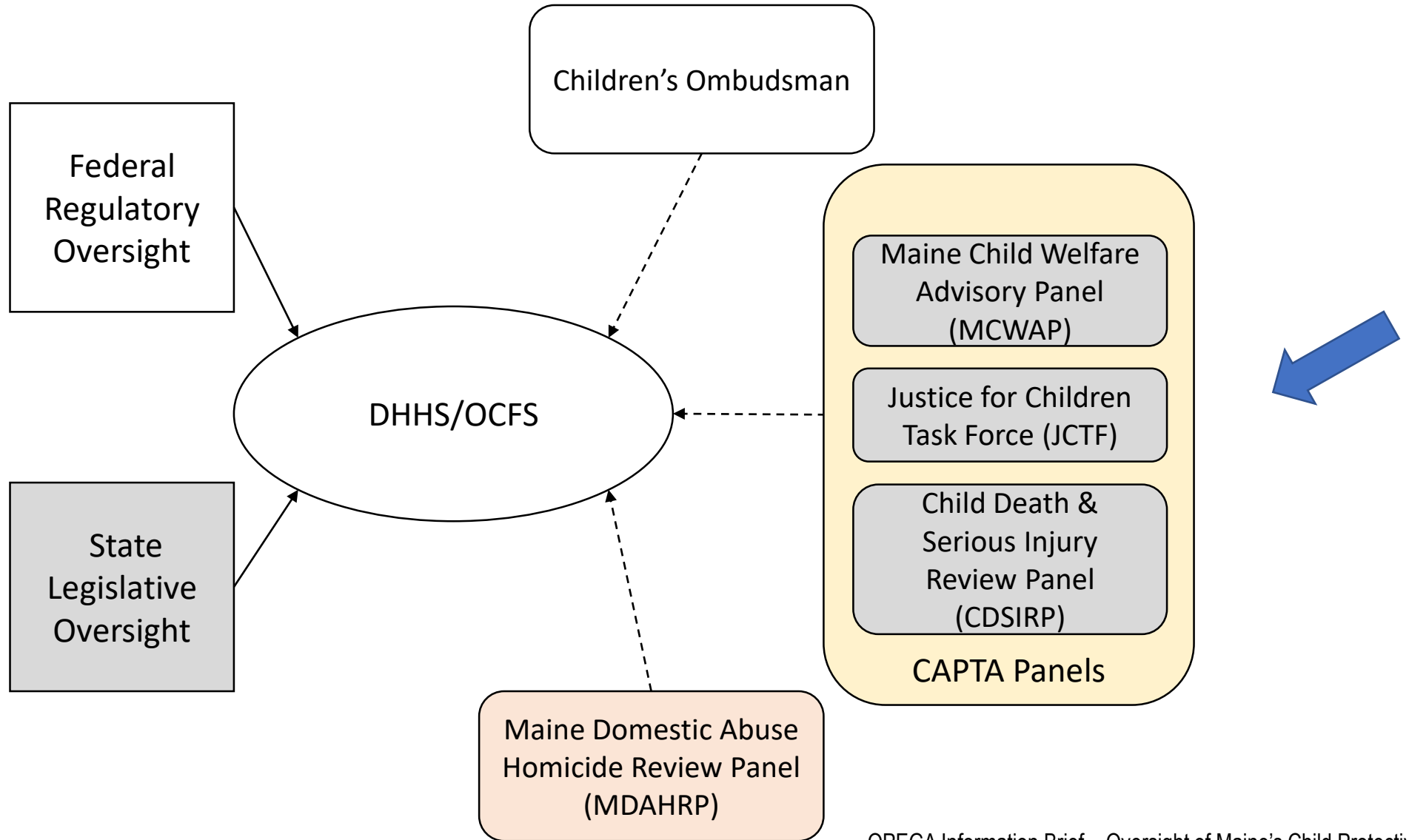
Children's Ombudsman

- 23 States have dedicated Children's Ombudsman or Child Advocate
- 2001 established in Maine -- contracted out (unique)
- Current staffing: 2 positions
- Major functions:
 - Intake and response to citizen inquiries and complaints
 - Case investigations (selected complaints)
- Guaranteed access to DHHS case files, records, and personnel
- Recommendations to DHHS: confidential vs. public (annual report)

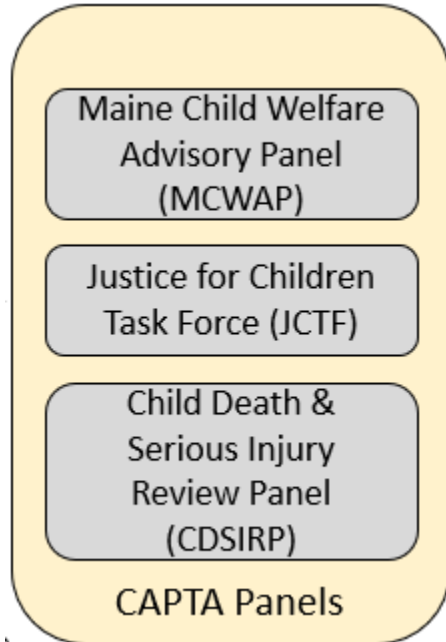
Children’s Ombudsman – Best Practices

Best Practice	Maine’s practice
<i>Independence</i>	<ul style="list-style-type: none"> Established as independent program within the Executive Branch, delivered through annual contract with a non-profit organization
<i>Impartiality</i>	<ul style="list-style-type: none"> Contractor must be free of potential conflicts of interest. State-level partisan activities of incumbent ombudsman restricted
<i>Confidentiality</i>	<ul style="list-style-type: none"> Confidentiality required by law; protects information, records, and case-specific reports; disclosure regulated
<i>Credible Review Process for Complaints</i>	<ul style="list-style-type: none"> Professional qualifications of ombudsman (attorney or MSW) Accessibility to complainants: website; multiple avenues to file complaint; 50% time communicating with public

CPS Oversight Landscape



CAPTA Panels



- Three “citizen review panels” specified and required by federal Child Abuse and Prevention Treatment Act (CAPTA)
 - To examine the policies, procedures, and practices of state and local agencies and specific cases
 - To evaluate extent to which state and local CPS agencies are effectively discharging their responsibilities

Advisory Oversight Panels

Panel	Federal CAPTA	State statute	Overall Role and Responsibilities
Maine Child Welfare Advisory Panel	√		Assure system is meeting safety, permanency and well-being of children and families through conducts assessment, research, advocacy and citizen involvement.
Justice for Children Task Force	√		Improve safety, permanency, and well-being for children in the child welfare system. Standing committee of Judicial Branch.
Child Death and Serious Injury Review Panel	√	√	Review child deaths and serious injuries and recommend ways to improve CPS system to increase protection and reduce fatalities/injuries.
Maine Domestic Abuse Homicide Review Panel		√	Review the deaths of persons killed by family or household member and recommend ways to improve system to protect persons from domestic and sexual abuse.

Advisory Oversight Panels - Themes

Structure

- Broad spectrum of perspectives and expertise from public & private sector
- Multiple branches state government
- Multidisciplinary expertise: child welfare, judicial system, health & mental health, law enforcement, service providers and others

Roles and Responsibilities

- Advisory panels address macro level oversight and micro level review of cases

Information sharing

- Routinely shared among advisory panels and DHHS/OCFS
- Efforts to formalize and institutionalize information sharing
- Access to confidential data (case reviews)

Best Practices (next slide)

Advisory Oversight Panels – Best Practices

- Best practices for Citizen Review Panels under CAPTA (Table 5 p 19)
- Domains include:
 - Access to Information
 - Consultation and feedback
 - Staff and logistical support
 - Relationship with child welfare agency
 - Membership diversity and expectations
 - Annual Reporting
 - Connection to other advocates/stakeholders
- Panels demonstrating or evolving toward best practices, examples:
 - Increasing and formalizing independence from DHHS
 - Assuming more responsibility for annual reporting
 - Formalizing progress updates on recommendations

Presentation Review

1. **Oversight of CPS** is a combination of federal regulatory oversight and State advisory oversight.
2. **Federal regulatory oversight** involves a consistent, extensive, and detailed process that tracks and measures outcomes and systemic factors thought to influence outcomes; includes financial penalties for nonconformity.
3. **State advisory oversight** includes multiple entities that review CPS issues and cases and provide recommendations to DHHS/OCFS, as well as execute special projects to improve the CPS system.

Acknowledgements

OPEGA thanks staff and representatives of:

- Maine's Office of Child and Family Services
- Maine Children's Ombudsman
- Maine Child Welfare Advisory Panel (MCWAP)
- Justice for Children Task Force (JCTF)
- Child Death and Serious Injury Review Panel (CDSIRP)
- Maine Domestic Abuse Homicide Review Panel (MDAHRP)

Next Steps and Follow-Up

Report is available on OPEGA website under Reports:

<https://legislature.maine.gov/opega/opega-reports/9149>

Upcoming GOC Meetings:

Public Comment Period (February 11, 2022)

Work Session to follow

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