

Child Abuse Action Network

Fall 2006 Newsletter

The Maine Child Abuse Action Network (CAAN) is the entity designed by the Governor to receive Children's Justice Act funds which are provided by the Administration for Children and Families of the Department of Health and Human Services

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Child Reform in Maine

by: James E. Beougher, Director, Office of Child and Family Services
August, 2006

In 2002, Maine's Senior Child Welfare Managers began to look at the outcomes for children under the State's supervision. From that review, a plan for reform began to evolve. Information is beginning to accumulate that change is occurring. For example:

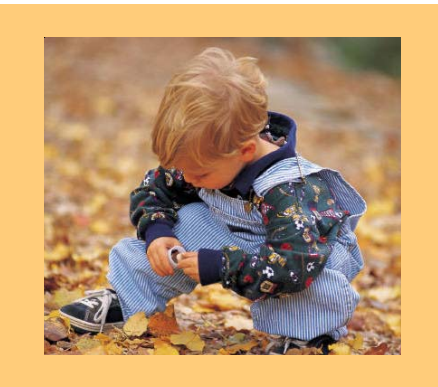
- In 2001, there were 3,200 children in out of home care in Maine and there were still 3,175 in care in July of 2003. In 2004, that number had been reduced to 2,900, and by July of 2006, the number in care had declined to less than 2,350.
- In 2001, less than 10% of children under supervision were placed with relatives. In five years, the percent has doubled.
- In 2004, there were 770 youth in residential placements in Maine funded by the child welfare system. Two years later there were 465.
- As late as 2005, no more than 50% of child protection first contacts were achieved within 14 days. Today face-to-face contact is achieved in 75% of cases within 5 days. Until 2005, our policy only required face to face contact with children once in two months. Now, 90% of kids are seen monthly and nearly that percent of parents and foster parents also have monthly face to face contact.
- In 2004, Family Team Meetings became a part of practice. There are now 600 Family Team Meetings each month.
- Since 2001 there has been a 25% reduction in removals, adoptions have increased as a percent of children in care, and reunifications have increased by 25%. During this time span, there has been no increase in serious injuries to children involved with the child welfare system.

What explains this change most of which has taken place in the past two years, with no added resources? First, the Department realized in 2002 that reform was needed. Children were in care for too long; too many youth were in residential settings; and our policies did not lead to engagement with youth or families. Secondly, Casey Strategic Consulting agreed to support the reform process and provided extensive assistance over the course of four years.

The reforms so far have included the development of a Beliefs Statement, Practice Model, Strategic Plan, and the use of data to measure change. In 2005, all policies were reviewed to

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assure they were consistent with the organizational Beliefs Statement and the Practice Model. Each of Maine's child welfare offices assumed leadership in revising specified policies to meet that goal. Among those changes were: putting into place timely responses to complaints of abuse and neglect; assuring that domestic violence perpetrators are the focus of interventions; implementing Family Team Meetings to assure inclusion, safety and permanence; developing clear family-centered policy to make visits child and parent friendly; and an overall focus on safety, permanence and well being that is rooted in listening to the voices of those involved.



Driving our reform is a clear belief that it is our responsibility to assure that every child lives and grows up in a family while being connected to a community. Our goal is for every child to have a

place to call home. While our organization needs residential beds when no home can be found, and we respect our residential provider's involvement in supporting parents and reunification, we believe every child needs the supports that only a family can be relied upon to provide.

Our efforts have not been equally as successful or timely in each of our offices. Change happened most quickly where the reforms struck a cord with managers and supervisors. Some of the quickest changes took place in units led by a passionate crusader. Typically, the leadership of the management group in each office predicted the extent of effective change. In most offices, success followed from teams of people focused on safety, permanence and well-being, leading to children having stability in a home of their own. Change typically followed in offices with the most clear expectations and procedures to assure they were followed.

Training on Family Team Meetings, the Practice Model, residential use, and other changes has been key to building these reforms. We know that training is not always causative. Good supervision does cause change and much focus has been on supporting a team of managers who are invested in a common view of what is right vs. what is easy.

2006 Annual Cops & Caseworkers Conference

The annual Cops and Caseworker Conference was held on October 10 at the Central Maine Commerce Center in Augusta. One hundred DHHS workers and law enforcement personnel attended the event. The day began with an address by Dan Despard, Deputy Director of the Office of Child and Family Services(OCFS), DHHS and Lt. Gary Wright of the Maine State Police. Both Dan and Gary were instrumental in putting together this year's conference.

The morning presentation given by Dr. Larry Ricci, Director of the Spurwink Clinic and Chair of the Child Death and Serious Injury Review Panel, focused on some of the findings and recommendations that the Panel has made in recent years. Several of these centered on collaboration of caseworkers and law enforcement.

The afternoon continued with a focus on collaboration with a panel presentation. Included on the Panel were Ilene Ford, Child Protective Supervisor in the Rockland DHHS office, Dan Despard, Deputy Director, OCFS, DHHS, Alan Kelley, Deputy District Attorney for Kennebec and Somerset counties, Geoffrey Rushlau, District Attorney for Knox, Lincoln, Sagadahoc and Waldo counties, Janice Stuver, Assistant Attorney General, Dr. Larry Ricci, Spurwink, Det. Sgt. Jason Pease, Lincoln County Sheriff Department, Det. Sgt. Anna Love, Maine State Police and Lynn Talbot, Victim Witness Advocate for Knox and Waldo counties. The discussion with the audience was a lively one and participants came away with a better understanding of working together in a way that benefits all parties involved.

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Our staff is now recognized by persons who have made referrals for more timely responses and families and extended families are less fearful of our caseworkers. In addition, Family Team Meetings have resulted in extended family sharing critical information that we previously lacked.

More youth are being placed within their communities partly because it is policy, but also, as with all of our reforms, because it is being measured. Community placement data on each caseload and an array of other key data elements will soon be made available to every worker, as well as for each unit and office.

We are focusing on treating parents and children as we would want to be treated and as each parent and child we are involved with would hope and ask that we treat them.

There are several guidelines that have helped us to transform our work and outcomes for children and families. They include:

- How we do our work is as important as the work we do.
- Engage to build hope.
- Teams are designed to support families and children.
- Partnering, not prescribing.
- Data-driven. If we cannot measure it, it has not happened.
- If any caseworker has worked diligently to follow policy, they will be supported.



Our reform work is not done. And, while we have room to grow in spreading opportunities for leadership, our managers, supervisors, and caseworkers champion our reform efforts to assure effective, efficient and timely service. We have pride in what we have accomplished in assisting children being safe and connected to their communities. Although change is at times difficult for us and for our community partners, that challenge is a focus of our ongoing efforts.

Among the remaining challenges are the offices and units where strategies have not been effective in achieving the strategic indicators. For example, there are offices where response times are dramatically below the expected norm of 90%

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Suggested Reading

A subcommittee of CAAN has been meeting this past year to discuss sexual behavior problems in children. We have been considering what is already available for training and resources in the state and what is needed in the future. We have reviewed models from other states as well as trainings programs and curricula. Suggested reading on this subject includes *An American Tragedy: Legal Responses to Adolescent Sexual Offending* by Franklin Zimring, University of Chicago Press, 2004. The book analyzes the justice system's response to sexual misconduct by children and adolescents in the United States. The work of Maine's expert, Dr. Sue Righthand's is cited in this scholarly work. The book is an excellent resource for informing policymakers, lawyers, psychologists, psychiatrists, social workers and others about the problems associated with young sexual offenders.

The Maine High Court Speaks to the Importance of Permanency for Maine Foster Children

by Janice Stuver, Assistant Attorney General

As we each go through life, one of the most important constants, but usually never fully appreciated, is our home. Although families take increasingly different forms these days, most of us are fortunate to have a place we can call home. For many children in Maine, however, the stability and comfort of having a place to return to not only as a child, but later on as an adult, simply does not exist. Children who enter the foster care system, despite the hard work of caring professionals, sometimes continually move through foster care, never finding a permanent home. The prospect of foster care drift is not necessarily a new problem, but it is one that should diminish in its frequency over time given a recent decision by the Supreme Judicial Court of Maine. The High Court, which is referred to as the “Law Court,” recently set forth a detailed opinion in a child protection case, setting forth the principles under which lower trial courts need to act when determining how to meet the best interests of children in the custody of the Department of Health and Human Services (“the Department”).

In the case of *In re Thomas H., et al.*, 2005 ME 123 (2005), the Department filed a Petition to Terminate the Parental Rights of the parents regarding then seven-year old Thomas and five-year old Rose. Such petitions are filed by the Department when a child has been in the custody of the Department and the parents have been unable to timely alleviate the circumstances which resulted in the child coming into custody in the first place. In the case of Thomas and Rose the trial Court found the children still remained in jeopardy (“jeopardy” is the legal prerequisite for the child to be in Departmental custody) and the parents were unable to alleviate jeopardy in a timeframe calculated to meet the needs of the child. In other words, the parents were unfit and were not able to make the necessary changes in a reasonable amount of time. The trial Court, however, chose not to terminate the parent’s parental rights because the Court determined the children’s needs were being met by the foster home placement and by having continued contact with their mother and maternal grandmother. “They are cared for in a loving home that meets their physical and emotional needs, ensures their safety, and provides them

compliance and others where it has been quickly achieved. As we move forward, analyses are taking place to address non-value added steps in our processes and then to engage in streamlining and developing standardized processes. Included in this new way of doing business is a focus on the ability to assure adherence to the revised methods. The purpose is to know how we do our business in each office so that people can expect the same responses everywhere in our state. The added benefit of standardization is the ease of engaging our staff about what is working and what can be done to reduce the barriers to progress.

Another challenge is assuring fidelity to policy as reflected in our quality assurance process. Findings indicate a lack of documentation of effective work to assure parent and child involvement in case planning. The quality assurance process also finds a lack of documentation of risk of harm, reunification and kinship placement efforts, as well as not moving children to adoption in a timely fashion.

We are also working with our courts on addressing barriers to permanence as that remains an area where we are not satisfied with the timeliness of our decisions.

We continue to recognize the need for ongoing engagement with contracted providers and stakeholders in our efforts to reform. However, for a variety of reasons, our success in that area has been uneven.

Finally, our reform efforts which began four years ago have given us a roadmap to improve the work that we do. Every year, in every part of our plan, we have done better.



with security sufficient to deal with the world as it is currently constituted, including ongoing and extended visitation with their mother.” The trial Court continued, “[a]s is pointed out so often in cases of this nature, there are virtually no guarantees one can offer to children in foster care absent a Termination of Parental Rights. However, in this case, at this time, the value of such a guarantee is outweighed by the benefits of sustaining, if at all possible, the current state of affairs.”

The Law Court disagreed with the trial Court’s reasoning. “A central tenet of [the Child Protection Act] is that children subject to ongoing judicial and departmental involvement in their lives shall benefit from permanency.” The Law Court further noted the “clear intent of the Legislature is that children who cannot be returned to their families should be removed from the instability of foster care and placed in a more permanent environment as soon as the Court determines that

reunification with their natural parents is no longer safely possible.” In addition, “a Court can only adopt a permanency plan that will result in the child remaining in foster care, if the Department has documented a compelling reason. . . .” This is because the Legislature regards long-term foster care as “inherently impermanent and absent a compelling reason, contrary to the welfare of children.”



So, what is the significance of the Law Court’s decision? It means that trial Courts must now regard permanency for children as an extremely important concept, perhaps the primary principle the Court should adhere to when making decisions in termination cases. Moreover, it is clear the Law Court deems foster care as a temporary tool utilized to secure the immediate and short-term safety of the children in need, but not as a long-term solution.

The Law Court’s reasoning certainly makes sense, although its implementation, as with most things in life, can be difficult to achieve. Who can argue with the concept, though, that a child needs a home; that a child should be able to know where to go for Thanksgiving, where to spend the 4th of July, where to spend school vacations? More than that, isn’t home a place to where you are always supposed to be able to return, after school, or college, or having a child? It’s certainly comforting to know that there is always a home base to which you can return, to be able to be with people with whom you’ve grown close, and to have the fortune, and often overlooked ability, to have a place where you will always be welcomed.

So many of our Maine children do not have this vital need met. In re Thomas H. et al. certainly is a big first step in helping Maine children realize this important objective.

2007 Annual CAAN Conference

The annual CAAN conference will be held on May 17, 2006 in Augusta. CAAN will be following its theme of Adverse Childhood Experiences by considering resiliency. We are fortunate to have as our main speaker, Dr. Laurie McCubbin. Dr. McCubbin is the daughter of Dr. Hamilton McCubbin, a well-known expert in the field of Resiliency.

Laurie McCubbin is Assistant Professor in the Department of Educational Leadership and Counseling at Washington State University. Her research interests and expertise include: risk and protective factors and resilience among indigenous people and people of color, cultural identity development, multicultural counseling and career development. She is also the Associate Director of the Stress, Coping, and Resilience Project: Individuals, Families, and Communities in collaboration with the University of Hawaii at Manoa.