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## STATE OF MAINE

### TASK FORCE ON KINSHIP FAMILIES

MEETING NOTES, SEPTEMBER 28, 2010

**1. Present** were Senator Margaret Craven, Representative Patricia Jones, Senator Richard Rosen, Representative Sarah Stevens, Representative Joan Nass, Representative David Webster, Jin Boeugher, David Stockford, Diane Loranger, Barbara Kates and staff Karen Nadeau-Drillen and Jane Orbeton.

**2. Senator Craven and Representative Jones opened the meeting** with introductions of task force members and greetings to the public. The task force received and reviewed a report from Lyn Grotke, an informal kinship care mother, and from Families and Children Together (FACT) as a result of input from kinship families at a meeting on September 15<sup>th</sup> of FACT, kinship family members and four members of the task force. The task force also received and reviewed information requested at prior meetings of the task force.

**3. Nancy Ives, Mary O'Leary and Nancy Markowitz presented information on the Volunteers of America (VOA), a national nonprofit organization which focuses on human service programs. The presenters spoke about VOA initiatives currently underway in Maine in particular:** the Look Up and Hope program and community mediation services.

Look Up and Hope is a national initiative to support the long-term success of both incarcerated individuals and their families. Through VOA's local offices, Look Up and Hope offer prisoners, their children and the children's caregivers, an array of support services, including, but not limited to, educational programming and support for all family members, mental health and substance abuse treatment, and family group decision making.

In Maine, Look Up and Hope has established a two-year pilot project that serves families, kinship families and fictive kin families. They provide resources and referrals for caregivers, who have limited funding for purchases for such as heating oil, bicycles, recreation, beds and laptop computers. They also provide family case management services and family mediation. A common theme is the need for planning for the transition that occurs when the incarcerated parent is released from incarceration. Because arrest and incarceration often occur suddenly, the parent often leaves the home without having made a plan for care of the children or signed papers to confer authority to make decisions for the children.

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**4. Kelly Crane, Policy Specialist with the Children and Families Program at the National Conference of State Legislatures**, presented information in response to the questions posed by the task force on September 7<sup>th</sup>. Kelly covered the following topics: the best interests of the child, time for reunification and rehabilitation, the Adoption and Safe Families Act, Child and Family Service reviews and parental visitation. Kelly introduced **Josh Kroll from the North American Council on Adoptable Children** who participated in the meeting by telephone. Josh discussed adoption subsidies and the scarcity of data on adoption subsidy rates and the frequency of adoptions.

*Josh agreed to provide written information on adoption subsidies to the task force.*

*Kelly was asked to provide information on the use of powers of attorney for the purposes of enrolling children in school in jurisdictions in which school funding is based on residency in the school district. She was also asked for information on other states' definitions of the "best interests of the child" and "harm and neglect," the threshold for petitioning for a change in custody or guardianship and whether other states have applied policies or timelines from the child welfare system to informal kinship care.*

**5. Ginny Marriner, Department of Health and Human Services (DHHS)**, presented information on adoption subsidies in Maine, including that the 12.5% cut in subsidies did not negatively impact the frequency of adoptions. Adoption subsidies can vary from \$0 to \$26.25 per day – the latter being the highest rate for regular foster care. Treatment foster care rates may exceed the regular foster care and adoption subsidy rate. Ginny joined Senator Craven in providing information on their child welfare conference in Pittsburgh and the idea of providing representation for guardianship families through volunteer attorney services and law school student internships, perhaps with some interest or support from the Annie E. Casey Foundation.

**6. Tracie Adamson, Family Division Manager with the Administrative Office of the Courts**, addresses the task force regarding the standard timeline for child welfare cases and distributed a timeline graphic.

**7. The task force then moved into work session** to begin decision-making on recommendations. The ideas for recommendation from prior meetings were reviewed and additions were noted from the work at this meeting.

Recommendations relating to education were set aside to await further review by the Department of Education and will be discussed at the October 19<sup>th</sup> meeting of the task force. Secondly, ideas relating to DHHS conformity to federal law were set aside for separate legislation, with the support of task force members outside the scope of task force recommendations. Finally, a number of ideas not requiring legislation to be implemented were set aside, but will be supported by a letter from the Chairs of the task force to the Department of Health and Human Services. Several ideas were combined and task force members voted, each person indicating his or her top three ideas. The list of ideas for recommendations, as voted with the highest number of votes at the meeting, follows.

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## 8. List of ideas for recommendations from the Task Force

### Probate Court and District Court procedures

A. With regard to Probate Court (guardianship matters) and District Court (parental rights and responsibilities and child welfare matters):

(1) Establish a required or advisory timeline for rehabilitation and reunification efforts in informal kinship care situations.

(Will ask Probate Court and FLAC to comment on this.)

(2) Provide legal representation for kinship families in the informal system through no cost cooperation of University of Maine School of Law, Volunteer Lawyers Project and/or Cumberland Legal Aid Clinic.

(3) Change the Probate Court procedure and standard for modification or termination of an order of guardianship and change the law to recognize the value of stability in the kinship family. (GP Panel)

(Will ask Probate Court and FLAC to comment on this.)

### Other

A. Enlist assistance of Maine Housing to protect kinship families in rental apartments and homes from eviction when a child joins the family. (Perhaps applies to city housing authorities also.)

B. Enact unallocated law directing Family Law Advisory Council to make recommendations on issues “Probate Court A (1) and (3)” above by 11/1/11 and ask for consideration this winter.

### Ideas from September 28

A. Provide or require mediation prior to a contested court hearing for kinship families for guardianship and educational issues (funding from variety of sources and parties).

G. Ask Probate Court judges for input on recommendations on “Probate Court A (1) and (3)” above.

### DHHS can do without legislation

B. Improve DHHS training, practice, procedures and reimbursement rules:

(1) Adopt best practices training, standardize policies and procedures, and improve family team meeting casework practice.

C. Expand Parents as Partners peer-to-peer program.

F. Develop a “suitcase” program for children in transition out of their homes

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**Set aside as DHHS legislation**

B. Remove the requirement that a child have special needs to qualify for a guardianship subsidy, conforming Maine law to federal law. (Amend Title 22, section 4038-C and section 4038-D)

D. Legislation on reinstatement of parental rights.

**Department of Education will report on October 19**

A. Amend law to give authority to kinship family for children placed with kin in order to protect the child’s safety and well-being. (Title 20-A, section 5205, subsection 3-A; new law on school enrollment for children placed by DHHS in foster care)

B. Require school superintendents to recognize power of attorney forms for enrolling children in school or establish new form for educational purposes.

**9. At the October 19<sup>th</sup> meeting of the Task Force** members will receive information requested at this meeting, review the list of ideas for recommendations and make final decisions regarding their final recommendations and report.

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