

Thank you for the opportunity to speak in support of HB 265 today.

I was able to listen to a bit more of your hearing and want to respond to a couple of issues that came up.

1. Counsel for DCF asked, Will the Advocate be adversarial? This is an interesting question and should be asked of all parties. Certainly historically, the child advocates and ombudsmen around the country have often been prompted by community and political pressures to take an adversarial approach. I examined this in my research and found that it is not a productive relationship. In New Hampshire, we have been fortunate to benefit from four years of grants from Casey Family Programs, a national charitable, technical assistance organization that have supported ground breaking work incorporating safety science in our critical incident reviews. Safety Science is an evaluative science employed in safety-critical industries like aviation and nuclear power. We believe children's services are equally safety critical. The hallmark of Safety Science is creating a safe space for stakeholders to examine system influences on decision making. It holds the system accountable rather than blaming and shaming a single individual. The outcome is a sense of ownership and empowerment to solve system problems and improve outcomes. The approach is predicated on the power of trusted relationships. The result is, we have a very good relationship with the people who work closely with us. There are still some people who take a defensive approach simply to the thought of independent oversight – no one likes someone watching over their shoulder. We overcome the defensiveness by working hard to demonstrate how the independent agency can work towards system improvements, allocation of funds, and improved working conditions -all ostensibly benefits to the staff, but ultimately benefits to children who receive better care and protection. My recommendation would be to insert an expectation of a safety science approach in investigations and reviews. We have also inserted an expectation of knowledge of safety science in the Child Advocate's job description.
2. Confidentiality and accessibility to the Advocate's records – the agency counsel also argued that the Advocate's records should not be protected. I would argue that would be a big mistake and even, in some cases, violation of federal law. The majority of the Advocate's records will be secondary sources from child protection and juvenile justice. All are protected by federal law. If someone does have authority to access them, they should go to the primary source – the agency instead. The work product of the Advocate should be protected because 1) complainants and other people who cooperate with the Advocate should be protected, much in the way a whistle blower is. People have to feel they are safe speaking about concerns with the agencies. With access to information, the Advocate can determine the credibility of the complaint without having to reveal identity. I must point out that a good number of people who contact our office are staff from the agency themselves, who do not feel empowered to speak up within their own agency. We also hear from judges and attorneys a great deal. Being able to offer that confidentiality is a bolster to information being shared and concerns brought forward. As I mentioned in my testimony, we are mandated reporters, so we do report any concerns that appear to be abuse or neglect. Our statute also allows for us to share information with any persons working with the child if it is in the child's interest. We may also share information with the public if it is in their interest, so long as children's identities are protected. So, if there is information that is

needed to help a child, there is an avenue for that. If information needs to protect a caseworker who sees the agency doing the wrong thing, that person is protected, and information is responded to.

3. I sent Mr. DeNamur the information about the Maine Child Welfare Ombudsman being in existence since 2001 in this non-profit/contract model, which I was asked about.

I hope this information is helpful.
All the best.

Moira