# MAINE STATE LEGISLATURE

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## ONE HUNDRED AND EIGHTH LEGISLATURE

## Legislative Document

No. 562

H. P. 457 House of Representatives, February 17, 1977 Referred to Committee on Health and Institutional Services. Sent up for concurrence and 1,800 ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Hobbins of Saco.

### STATE OF MAINE

## IN THE YEAR OF OUR LORD NINETEEN HUNDRED SEVENTY-SEVEN

AN ACT to Authorize the Department of Human Services to Provide Short Term Emergency Care.

Be it enacted by the People of the State of Maine, as follows:

22 MRSA c. 1058 is enacted to read:

## CHAPTER 1058

#### SHORT TERM EMERGENCY CARE

§ 3901. Definitions

When used in this chapter, unless the context otherwise indicates, the following words shall have the following meanings.

- 1. Crisis. "Crisis" means an unstable home situation. A child who has run away from home shall be presumed to be threatened and adversely affected by crisis.
  - 2. Department. "Department" means the Department of Human Services.
- 3. Home. "Home" means the social unit formed by the child residing with at least one adult in a common place of residence.

## § 3902. Care

The department may enter into contracted arrangements with providers of homemaker services, caretaker services, foster care services, adolescent shelter services and family shelter services for the provision of such service and care to a child who the department has determined is jeopardized or adversely affected or threatened by crisis.

## § 3903. Short term

Such care as may be contracted for pursuant to section 3902 shall not, in any individual case, exceed 3 consecutive days or 72 hours without the commencement of action pursuant to chapter 1055.

## § 3904. Voluntary care

No child shall be forced to accept any benefits pursuant to this chapter, but the care shall be given only to voluntary participants. No child may receive any benefits pursuant to this chapter, outside of his home, if his parent or legal guardian objects thereto.

#### STATEMENT OF FACT

The purpose of this bill is to provide for the protection of children whose health and welfare are jeopardized or adversely affected or threatened by crisis, but who are not in need of protective custody pursuant to Title 22, chapter 1055. This bill will enable the department to provide short term emergency care to such children without invoking court action.

More than 1,000 children are apprehended by police in Maine each year. This bill will authorize the Department of Human Services to provide services to these youth for a period not to exceed 72 hours as part of the treatment system to counsel the youth and facilitate his or her return home or commence action pursuant to Title 22, chapter 1055.