

# MAINE STATE LEGISLATURE

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L.D. 611

DATE: 2.24.04

(Filing No. S- 400)

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**HEALTH AND HUMAN SERVICES**

Reported by:

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**STATE OF MAINE  
SENATE  
121ST LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 220, L.D. 611, Bill, "An Act To Obtain Substance Abuse Services for Minors"

Amend the bill by striking out the title and substituting the following:

**'An Act To Obtain Substance Abuse Services for Youth in Need of Services'**

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

**'Sec. 1. 22 MRSA §4099-A, sub-§4, ¶¶B and C, as enacted by PL 2003, c. 451, Pt. P, §3, are amended to read:**

B. Is without or beyond the control of the child's parent or legal guardian; ~~or~~

C. Is in imminent danger of serious physical, mental or emotional injury or at risk of prosecution for a juvenile offense; ~~or~~

**Sec. 2. 22 MRSA §4099-A, sub-§4, ¶D is enacted to read:**

D. Is abusing alcohol or drugs and is at risk of serious harm as a result.

**Sec. 3. 22 MRSA §4099-C, sub-§3, as enacted by PL 2003, c. 451, Pt. P, §3, is amended to read:**

**COMMITTEE AMENDMENT**

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2 3. **Imminent danger.** If a youth is determined by a case  
3 manager to be in need of services and is in imminent danger of  
4 serious physical, mental or emotional injury ~~ex,~~ is at risk of  
5 prosecution for a juvenile offense or is abusing alcohol or drugs  
6 and is at risk of serious harm as a result, the case manager  
7 shall attempt to contact the family or legal guardian, if  
8 appropriate, to begin services to the youth and family or legal  
9 guardian and shall promptly file a petition to commence court  
10 proceedings.

12 A. If the court finds that a youth is in need of services  
13 and is in imminent danger of serious physical, mental or  
14 emotional injury ~~ex,~~ is at risk of prosecution for a  
15 juvenile offense or is abusing alcohol or drugs and is at  
16 risk of serious harm as a result, the court shall order that  
17 a service provider offer appropriate services to the youth  
18 and the youth's family or legal guardian if appropriate.

20 B. In a proceeding brought under this subsection, if the  
21 court orders a service provider to offer appropriate  
22 services to a youth or the youth's family or legal guardian,  
23 the court may not order secure residential placement or  
24 inpatient treatment or order a youth to participate in  
25 services or enter an order of enforcement or contempt.

26 **Sec. 4. 22 MRSA §4099-C, sub-§5,** as enacted by PL 2003, c.  
28 451, Pt. P, §3, is amended to read:

30 **5. Reporting.** The department shall report by October 1,  
31 2003 and annually thereafter to the joint standing committee of  
32 the Legislature having jurisdiction over health and human  
33 services matters on the number and nature of preliminary  
34 assessments, safety plans and court proceedings under this  
35 section. Beginning October 1, 2004, the report must include  
36 summary statistics on the number and characteristics of youth who  
37 refuse services under this section, including demographic  
38 information, reason for referral, assessed needs and stated  
39 reason for refusal of services. The report must include safety  
40 plans and court proceedings under this section. The report must  
41 include recommendations for policy initiatives, rulemaking and  
42 legislative action for youth in need of services.

44 **Sec. 5. 22 MRSA §4099-C, sub-§6** is enacted to read:

46 **6. Data.** The department shall collect data on the number  
47 and characteristics of youth who refuse services under this  
48 section, including demographic information, reason for referral,  
49 assessed needs and stated reason for refusal of services. The  
50 department shall share the data collected under this subsection

with the Department of Behavioral and Developmental Services, Office of Substance Abuse no later than October 1, 2004 and every 6 months thereafter.

**Sec. 6. Provider training.** The Department of Behavioral and Developmental Services, Office of Substance Abuse shall increase training for providers in motivational therapy, family therapy and other evidence-based practices that are effective with reluctant adolescent clients. The Department of Human Services and the Office of Substance Abuse shall require joint training and communication between Youth in Need of Services Program providers and substance abuse services providers regarding methods to engage reluctant youth in treatment.

**Sec. 7. Provider incentives and information.** The Department of Behavioral and Developmental Services, Office of Substance Abuse shall modify its contracts with substance abuse services providers to create incentives to increase recruitment and retention of adolescent clients who are reluctant to engage in treatment. The Office of Substance Abuse also shall provide information and support to substance abuse treatment providers to increase services provided to parents of adolescent clients, with or without the adolescents' involvement.

**Sec. 8. Parent outreach and education.** The Department of Behavioral and Developmental Services, Office of Substance Abuse shall conduct outreach and education to help parents of children who are abusing drugs to locate and access resources to address substance abuse, including treatment, self-help, skill development and support groups for themselves and their children.

**Sec. 9. Report required.** The Department of Behavioral and Developmental Services, Office of Substance Abuse shall report by October 1, 2004 to the Joint Standing Committee on Health and Human Services on the status of implementation of this Act.'

**SUMMARY**

This amendment replaces the bill. The amendment refines the definition of "youth in need of services" by explicitly specifying that a child who is abusing alcohol or drugs and is at risk of serious harm as a result qualifies as a youth in need of services. The amendment requires the Department of Human Services to include in its annual report summary information on the number and characteristics of youth who refuse services and to share the underlying data with the Department of Behavioral and Developmental Services, Office of Substance Abuse on a semiannual basis. The amendment requires increased training for substance abuse services providers and joint training between

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COMMITTEE AMENDMENT "A" to S.P. 220, L.D. 611

2 substance abuse services providers and Youth in Need of Services  
Program providers regarding methods to engage reluctant youth.

4 The amendment also requires the Office of Substance Abuse to  
6 create incentives for providers to increase recruitment and  
retention of reluctant adolescent clients and to provide  
8 information and support to providers to increase services for  
parents of adolescent clients. The amendment requires the Office  
10 of Substance Abuse to conduct outreach and education to help  
parents of children who are abusing drugs to find resources for  
themselves and their children.

12 Finally, the amendment requires the Office of Substance  
14 Abuse to report by October 1, 2004 to the Joint Standing  
Committee on Health and Human Services on the status of  
16 implementation of these requirements.

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**FISCAL NOTE REQUIRED**  
**(See attached)**

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**121st Maine Legislature  
Office of Fiscal and Program Review**

**LD 611**

**An Act To Obtain Substance Abuse Services for Minors**

**LR 1278(02)**

**Fiscal Note for Bill as Amended by Committee Amendment "A"  
Committee: Health and Human Services  
Fiscal Note Required: Yes**

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**Fiscal Note**

Minor cost increase - General Fund

**Fiscal Detail and Notes**

Any additional cost to the Department of Human Services and the Department of Behavioral and Developmental Services can be absorbed by the departments utilizing existing budgetary resources.