

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

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**Legislative Document**

**No. 1644**

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S. P. 447

In Senate, April 13, 1977

Referred to Committee on Health and Institutional Services. Sent down for concurrence and 2,000 ordered printed.

MAY M. ROSS, Secretary

Presented by Senator Merrill of Cumberland.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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**AN ACT Authorizing Emergency Services to Children and Youth.**

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

Sec. 1. 22 MRSA sub-t. 6, 1st line, as enacted by PL 1975, c. 719, § 6, is repealed and the following enacted in its place:

**PART 4. FACILITIES FOR CHILDREN AND ADULTS**

Sec. 2. 22 MRSA c. 1711 is enacted to read:

**CHAPTER 1711**

**EMERGENCY CHILDREN'S SERVICES**

§ 8551. Definitions

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

1. Child or youth. "Child" or "youth" means any minor child under 18 years of age.

2. Emergency services. "Emergency services" may include, but are not limited to, providing protective services, substitute shelter care and other services essential to the care, maintenance and protection of a child.

§ 8552. Authorization

1. Emergency circumstances. In order to prevent or remedy emergency circumstances which may result in abuse, neglect, exploitation or delinquency, or which may harm or threaten the health, welfare or morals of a child or youth, the department is authorized to provide emergency services to a child

or youth, when the child or youth is directly or imminently affected by such emergency circumstances, and when the parent or parents or guardian is not available. When the parent or parents or guardian determines, and the department agrees it is appropriate to a child or youth, the department may provide emergency services to a child or youth voluntarily placed in its care with the consent of the parent or parents or guardian. Nothing in chapters 1055 or 1056 shall be construed to prevent the department from providing the emergency services authorized herein.

2. **Approved agency.** The department is authorized to provide emergency services directly or by an approved agent. An approved agency may be a suitable person, family home, human service practitioner or agency, or a duly incorporated children's agency, organization or institution, approved by the department and with which the department has in force a written agreement which includes, but is not limited to, the approved agent consenting to provide emergency services pursuant to this chapter.

#### § 8553. Notice and limitations

1. **Notification.** When a child or youth is receiving emergency services pursuant to this chapter, and when the parent or parents or guardian is not available, the department, immediately upon initiation of emergency services, shall take any and all reasonable steps to notify the parent or parents or guardian that a child or youth is receiving emergency services and to obtain consent for providing emergency services.

2. **Limitation.** Except when consent is given by the parent or parents or guardian, or when custody is ordered pursuant to section 3792, the provision of emergency services shall be limited to no more than 14 calendar days per incident, after which emergency services shall be terminated as soon as is practical and consistent with protecting and maintaining the health, welfare or morals of a child or youth.

3. **Petition for protective custody.** Nothing in this chapter shall be construed to limit nor to effect the provisions of sections 3792 or 3794; nor to prevent at any time a petition for protective custody of a child being initiated pursuant to section 3792, when a child or youth is determined to be living in circumstances which so merit; nor to prevent at any time a request for care of a child being initiated as authorized in section 3794.

#### § 8554. Expense

1. **Expense.** The expense of any emergency services provided for any child or youth under this chapter shall be paid by the department or a suitable person. Bills itemizing the expense of providing emergency services pursuant to this chapter, when approved by the department, shall be paid by the State as provided by law.

2. **Liability.** The provision of emergency services by the department shall not release the parent or parents of liability for the support of such child or from the penalties for failing to support which are provided in Title 19, sections 481, 483 and 486. Such liability shall not extend beyond the time when

the child shall reach 18 years of age. When emergency services are provided to a child or youth under this section, a court may order the parent or parents of the child or youth to contribute to the support of his or her child, such sums payable weekly, monthly or quarterly as are deemed reasonable and just, and may enforce obedience by appropriate action.

#### § 8555. Rules

1. Rules and regulations. Rules and regulations pursuant to, consistent with and necessary to carry out the intent of this chapter shall be adopted and amended by the department with the advice and consultation of the Maine Human Services Council. These rules may define or further define terms such as, but not limited to, emergency circumstances, emergency services, protective services, substitute shelter care, other services essential to the care, maintenance and protection of the child.

#### STATEMENT OF FACT

Each year hundreds of Maine children live for a period of time in emergency circumstances and their parents are not readily known or are not immediately available. Current law authorizes the Department of Human Services to care only for children committed to the department by a court, children reported to the department as suspected of being abused or neglected, or children placed in the department's care by the parent. Frequently, children or youth are in emergency circumstances which citizens believe do not constitute abuse or neglect, but could result in abuse or neglect.

This bill authorizes the department, when emergency circumstances exist and when parents are not available, to provide emergency services to children in order to prevent or remedy circumstances that may harm or threaten the health, welfare or morals of a child or youth, or that may result in abuse, neglect, exploitation or delinquency.