

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
108TH LEGISLATURE
FIRST REGULAR SESSION

(Filing No. H-888)

HOUSE AMENDMENT "A" to S.P. 579, L.D. 1893, Bill,
"AN ACT to Authorize Family Crisis Workers and Short-term
Emergency Services for Children, to Require the Designation
of Return to Family Workers and to Enact Objectives and
Priorities for Services to Children.

Amend the Bill by striking out everything after the
enacting clause and inserting in its place the following:

Sec. 1. 22 MRSA c. 1051, as last amended by PL 1972, c. 598,
§37, is repealed and the following enacted to read:

CHAPTER 1051

CHILDREN'S SERVICES: GENERAL PROVISIONS

§3701. Definitions

As used in this part, unless the context or other definition
otherwise indicates, the following words shall have the following
meanings:

1. Child. "Child" or "minor" means any person who has not
attained the age of 18 years.
2. Child at risk. "Child at risk" means a child who is or is
alleged to be abused, neglected, abandoned, exploited, or a runaway from
home. This definition shall not be construed to mean that the depart-
ment has no responsibility to provide services to a child who is
affected by other handicapping conditions or other adverse circum-
stances in combination with the conditions and circumstances included
the definition.

3. Family in crisis. "Family in crisis" means a family in which one or more members is a child at risk.

§3702. Goals, objectives, priorities and services.

1. Goals. The department shall have the following goals when it provides services to children at risk, families in crisis and other categories of children and families who receive services under this part:

← A. To prevent the development of circumstances which are detrimental to children;

← B. To promote the kind of family life that encourages the wholesome development of children; and

← C. To promote the welfare of children.

2. Objectives and priorities. In working toward the attainment of the goals in subsection 1, the department shall, where possible and where applicable, have the following objectives in the following order of priority:

← A. To support and reinforce parental care;

← B. To supplement parental care; and

← C. To substitute, in whole or in part, for parental care.

3. Services. In working toward the attainment of the goals in subsection 1, the department shall also have the following objectives:

← A. To strengthen the care and services it provides by cooperating and coordinating its own efforts with the efforts of other agencies which provide care and services to children at risk and families in crisis; and

← B. To increase the efficiency and effectiveness of protective services, substitute shelter services and residential treatment services.

§3703. Authorization; cooperation with Federal Government

1. Services Authorized. The department is authorized to provide, by itself or in cooperation with the Federal Government, to children at risk and families in crisis, services which enhance, supplement and substitute for parental care of children. The provision of such services shall be consistent with the goals and objectives of section 3702.

2. Application for federal aid authorized. The department is authorized to: Apply for federal aid under Title IV, Part B, of the Federal Social Security Act, as amended. The department shall cooperate with and make such reports to the Federal Government as may be required for the effective implementation of child welfare services under Title IV, Part B.

3. Federal grants. The Treasurer of State shall be the appropriate fiscal officer of the State to receive federal grants for child welfare services and administration thereof, as contemplated by Title IV, Part B, of the Federal Social Security Act, as amended, and the State Controller shall authorize expenditures therefrom as approved by the Department of Human Services.

§3704. Parental rights

Except for the provisions of section 3896, nothing in this part shall be construed as authorizing any public official, agent or representative, in carrying out any of the provisions of this part, to take charge of any child over the objection of either the father or the mother of such child, or of the person standing in loco parentis to such child, except pursuant to a proper court order.

Sec. 2. 22 MRSA §3713, as enacted by PL 1977,

c. 42, §1, is amended by adding at the end a new paragraph to read:

It is the intent of the Legislature that the 22 positions authorized for family crisis services under this Act shall include both "family crisis workers" and "return to family workers". The family crisis workers shall be attached to the child protective care units and shall work with children at risk and families in crisis. The return to family workers shall be responsible for maintaining contact with the families of children in State custody and for working toward the safe return of these children to their families. The department shall designate return to family workers in each region of the department.

Sec. 3. 22 MRSA §3803 is enacted to read:

§3803. Family contact

1. Policy. With respect to any child committed to the custody of the department, it shall be the policy of the department to provide services for the purpose of returning the child to his family, unless such return would not be in the best interests of the child.

2. Notice required. Notice shall be given to the following persons in the following situations. Such notice shall be expressed in a manner which is understandable to the average person.

A. Whenever the court has ordered a child to be committed to the custody of the department under section 3792, this court within 10 calendar days of the order, shall give written notice to the child's parents of their right to petition the court to alter the custody decree pursuant to section 3793.

B. Whenever a child has been committed to the custody of the department under section 3792 the department shall give prompt written notice to the parents of the following/
provided that such notice is in the best interest of the child.

- (1) the residence of the child,
- (2) any change in the residence of the child,
- (3) any hospitalization of the child, and
- (4) any serious injuries to and major medical care received by the child.

C. Whenever the department decides that, in the best interests of a child committed to the custody of the department under section 3792, return of the child to his family is no longer a viable objective, the department shall notify the parents of this decision. This notice shall include the specific reasons for the department's decision, the specific efforts the department has made to maintain contact with the parents and to return the child to his home, and the parents' right to petition to have custody restored under section 3798.

D. When a child who has been committed into the custody of the department under section 3792 is placed for adoption under Title 19, chapter 9, the department shall indicate to the court the specific efforts to maintain contacts with the parents of the child, as required under this section.

3. Visitation. Prior to the department's decision referred to under subsection 2, paragraph c, the parents or guardian shall be afforded ample opportunity to visit with and to be visited by a child committed into custody under section 3792, provided that such visitation is in the best interest of the child.

Sec. 4. 22 MRSA c. 1059 is enacted to read:

CHAPTER 1059

SHORT-TERM EMERGENCY SERVICES FOR CHILDREN

§3891. Definitions

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

1. Agency. "Agency" means any person, facility, organization, or agency approved by the department for the purpose of providing short-term emergency care services.

2. Child. "Child" means a minor who is or appears to be abandoned or lost or seriously endangered in his home surrounding, or who has or appears to have run away or escaped from his parents, guardian, or legal custodian.

3. Short-term emergency services. "Short-term emergency services" means services which include protective, substitute shelter care and other services which are essential to the care, maintenance and protection of a child.

§3892. Authorization

The Department of Human Services is authorized to provide short-term emergency services to any child.

§3893. Mechanism

The department may provide short-term emergency services directly or through contracts with agencies approved by the department, provided that the department and the agency have in force a written agreement which includes the consent of the agency to provide emergency services pursuant to this chapter.

§3894. Length of services

When consent is given pursuant to section 3896, the provision of short-term emergency services shall be limited to no more than 3 consecutive days per incident.

§3895. Notification of parents

Upon the initiation of short-term emergency services for a child, the department or agency, whichever is providing the services to the child, shall take reasonable steps to notify the parent, guardian or legal custodian of the child that the child is receiving the services.

§3896. Consent of child and parent

The consent of both the child and one parent or the legal guardian of the child shall be required for the child to receive short-term emergency services and shall be subject to the following provisions.

1. Child's consent. The child's consent shall be required before any short-term emergency services are provided to him.

2. Parent's consent. Short-term emergency services may be provided to a child prior to the consent of the child's parent or legal guardian. If, after the parent or legal guardian has been notified, he refuses to consent to the provision of short-term emergency services to his child, the services shall be terminated.

§3897. Liability of parents

The provision of short-term emergency services by the department

or any agency to a child, shall not affect a parent's obligation for the support of the child.

The department may, by agreement or court order, obtain payments from a parent to reimburse the department for the support of the child while receiving short-term emergency services.

§3898. Rules

1. Rules promulgated. The commissioner of the department shall adopt rules and standards necessary for the effective implementation of this chapter within 90 days of the effective date of this Act. These rules and standards shall include, but need not be limited to, rules and standards for the specific types of short-term emergency services/^{to be} provided, the staffing requirements of the agencies providing the services, and the procedures for the notification of parents.

2. Public hearing. The commissioner shall hold at least one public hearing prior to adopting these rules. Notice of each hearing shall be published at least once within 14 to 30 days before the hearing in the state paper and in other newspapers or journals of general circulation adequate to provide reasonable notice to the public affected thereby.

3. Rules amended or repealed. Rules may be amended or repealed at any time by the commissioner after like notice and hearing of the portions amended or repealed.

Statement of Fact

This amendment has the following purposes:

1. Goals and Objectives (Section 1, §3702). The amendment consolidates and clarifies the provisions in the bill that relate to objectives and priorities.

The amendment states that the Department of Human Services must have three major goals as it provides services to children and families. These goals include to prevent circumstances which are detrimental to children, to promote the kind of family life which encourages the wholesome development of children, and to promote the welfare of children.

To attain these goals, the Department is required to have objectives which focus on the support, reinforcement, supplementation, and substitution of parental care, and which relate to increasing the efficiency and effectiveness of the services provided to children and families.

2. Authorization of Services; Cooperation with Federal Government (Section 1, §3703). The amendment rewrites and makes more concise the provisions of the bill which authorize the Department of Human Services to provide Child Welfare Services under the Federal Social Security Act.

3. Family workers (Section 2). The amendment places provisions in the bill relating to "family crisis workers" and "return to family workers" under the Interim Children's Services Act, passed by the 108th Legislature earlier this year as part of LD 757. There are 2 reasons for transferring these provisions.

First, the bill authorizes the department to "establish additional lines" for family crisis workers and to "designate" return to family workers. This authorizing language is not necessary,

because the positions are already authorized under the Interim Children's Services Act. Furthermore, this language suggests that the Department may establish positions in addition to those already authorized under the Interim Children's Services Act.

Second, because these provisions relate specifically to the use by the Department of the funds under Title II of the U.S. Public Works Employment Act, it is logical to place these provisions in the Interim Children's Services Act, which authorizes the Department to use these funds.

4. Family Contact (Sections 3 and 4). The amendment contains several technical changes, with respect to the provisions ^{in the bill} requiring increased efforts to maintain contact with the families of children in the custody of the State.

First, the amendment clarifies that the provisions affect only the children who are in the Department's custody and the families of these children.

Second, the amendment requires that the department, at the time it makes a decision that a child cannot be returned to the home, must notify the parents of the decision, the reasons for the decision, the efforts the department has made to maintain contact with the parents and the parent's right to petition for restoration of custody.

Third, the amendment limits the right of parents to "have

ample opportunity" to visit their child who is in the State's custody, to the time prior to the Department's decision to place the child for adoption.

5. Short-term emergency services (Section 5). The amendment makes only a few minor, clarifying changes in the provisions relating to short-term emergency services. Some unnecessary and confusing language is removed from the authorization section of the bill (§3892). In addition, the provisions in the bill relating to the liability of parents for child support (3897) are modified slightly. Finally, the amendment adds a reference to standards and the specific types of rules and standards which should be developed in the bill (§3898).

Filed by Mr. Goodwin of South Berwick.

Reproduced and distributed under the direction of the Clerk of the House.
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