

# MAINE STATE LEGISLATURE

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L.D. 686

2

(Filing No. H- 165)

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STATE OF MAINE

4

HOUSE OF REPRESENTATIVES

5

112TH LEGISLATURE

6

FIRST REGULAR SESSION

7

HOUSE AMENDMENT "A" to H.P. 483, L.D. 686,  
8 Bill, "AN ACT to Provide Family Counseling and Legal  
9 Assistance in Cases of Alleged Child Abuse or Ne-  
10 glect."

11

Amend the bill in by striking out all of section  
12 2 and inserting in its place the following:

13

'Sec. 2. 22 MRSA §4004, sub-§2, ¶E, F and G are  
14 enacted to read:

15

E. When the department initiates an investiga-  
16 tion to determine if the report of child abuse or  
17 neglect can be substantiated, notify in writing  
18 the parents or custodian of the fact. The notice  
19 shall be delivered either prior to or at the be-  
20 ginning of the first interview with the parents  
21 or custodian, or if first contact with the par-  
22 ents or custodian is by telephone or by mail,  
23 within 3 days of the first contact and shall con-  
24 tain the following:

25

(1) A general description of the investiga-  
26 tion process and the possible outcomes and  
27 consequences of that investigation;

28

(2) A statement that the parents are en-  
29 couraged to participate fully in the inves-  
30 tigation and in the development of any rec-  
31 ommendations, but they may choose to decline  
32 to do so if they wish;

33

(3) A statement that whatever they say dur-  
34 ing the investigation may be quoted in court  
35 should the investigation result in a protec-  
36 tive proceeding being commenced;

1                   (4) Notice of the time within which the in-  
2                   vestigation is expected to be completed; and

3                   (5) Notice that legal counsel may be ap-  
4                   pointed for them if they so request at any  
5                   time during the investigation;

6                   F. Provide the parents or custodian with a writ-  
7                   ten statement of the condition or complaint being  
8                   investigated; and

9                   G. Determine the degree of harm or threatened  
10                  harm to each child, if any, take whatever action  
11                  is appropriate to further the purposes of this  
12                  chapter and notify the parents or custodian of  
13                  this determination and any proposed action taken  
14                  by the department as a result.

15                  In the event that it is determined that a child  
16                  has been abused or neglected, but that the situa-  
17                  tion appears immediately correctable to assure  
18                  the child's safety without a court order, a case  
19                  plan shall be developed, which shall provide for  
20                  making available to the parents or custodian any  
21                  appropriate counseling and supportive services to  
22                  prevent removal of the child from the parents' or  
23                  custodian's home. The parents or custodian, and  
24                  if they so choose their authorized representa-  
25                  tive, shall be given an opportunity to partici-  
26                  pate fully in the development of the case plan.  
27                  The plan shall set forth in clear and understand-  
28                  able terms the problems in need of correction and  
29                  the responsibility of each party under the plan.

30                  The parents or custodian may refuse to partici-  
31                  pate in the development of the plan and may also  
32                  refuse further services from the department. In  
33                  that event, the department shall close the case,  
34                  unless it is determined that the case should be  
35                  referred for court action and the department  
36                  shall reopen the case only upon the receipt of  
37                  any subsequent information of possible abuse or

HOUSE AMENDMENT "A" to H.P. 483, L.D. 686

1           neglect.'

2           Further amend the bill in section 3 in subsection  
3 2, by striking out all of the 2nd paragraph (page 2,  
4 lines 15 to 24 in L.D.) and inserting in its place  
5 the following:

6           'Legal counsel may be appointed by the department  
7 for all indigent persons upon their request when  
8 they have received the notice provided in section  
9 4004, subsection 2, paragraph E. Legal counsel  
10 shall be appointed by the court as soon as a de-  
11 termination has been made by the department that  
12 the child is in jeopardy with respect to his  
13 health and welfare and a decision to petition for  
14 a protective order is made.'

15           Further amend the bill by inserting before the  
16 Statement of Fact the following:

17           'Sec. 4. Appropriation. The following funds are  
18 appropriated from the General Fund to carry out the  
19 purposes of this Act.

20		<u>1985-86</u>	<u>1986-87</u>
21	<u>HUMAN SERVICES,</u>		
22	<u>DEPARTMENT OF</u>		
23	Administration - Social		
24	Services		
25	All Other	\$360,000	\$360,000
26	Provides funds for		
27	appointment of legal		
28	counsel by the De-		
29	partment of Human		
30	Services to indigent		
31	parents or custodians		
32	during investigations		
33	of child abuse or ne-		
34	glect.'		

1 STATEMENT OF FACT

2 This amendment authorizes the Department of Human  
3 Services to advise the parents of the nature of the  
4 investigation in the first interview with the par-  
5 ents, in accordance with the department's present  
6 practice and policy.

7 The amendment retains present law regarding the  
8 department's preparation of a case plan in the event  
9 no court action is taken. The amendment further pro-  
10 vides that counsel may be appointed for indigent par-  
11 ents after they have been notified of the depart-  
12 ment's investigation.

13 3585051385

Filed by Rep. Brodeur of Auburn  
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