

	FIRST REGULAR SESSION	
ONE	HUNDRED AND TWELFTH LEGISLATUF	₹E
Legislative Docu	ment	No. 686
H.P. 483	House of Representatives, Fe	bruary 26, 1985
Reference to to ordered printed.	he Committee on Human Resources is sugge	ested and
	EDWIN I	H. PERT, Clerk
	esentative Rolde of York. by Senator Najarian of Cumberland.	
	STATE OF MAINE	
NII	IN THE YEAR OF OUR LORD NETEEN HUNDRED AND EIGHTY-FIVE	
	Provide Family Counseling and tance in Cases of Alleged Chil Abuse or Neglect.	
Be it enacted follows:	by the People of the State of	Maine as
	22 MRSA §4004, sub-§2, ¶¶C and 979, c. 733, §18, are repealed	
Sec. 2. acted to read	22 MRSA §4004, sub-§2, ¶¶E and :	l F are en-
is the writing t vestigati substanti to the be given to	y parents or custodian of each reported subject of abuse or hat the department will conduc on to determine if the rep ated. The notice shall be rece ginning of the investigation b the parents or custodian at th stigation and shall contain t	neglect in t an in- bort can be eived prior but may be he onset of

- 1 (1) A statement of the complaint being in-2 vestigated;
- 3 (2) Notice that the parent or custodian may
 4 refuse to participate in or cooperate with
 5 the investigation;
- 6 (3) A description of the conduct of the in-7 vestigation;
- 8 (4) Notice that anything they say may be 9 used against them should the investigation 10 result in a protective proceeding being 11 brought against them;
- 12(5) Notice of the time limit within which13the investigation shall be complete;
- 14(6) Notice of the possible outcome and con-15sequences of the investigation; and
- 16(7) Notice that legal counsel may be ap-17pointed for them before the investigation is18begun; and

19F. Determine the degree of harm or threatened20harm to each child in each case, if any, and take21whatever action is appropriate to further the22purposes of this chapter and shall notify the23child's legal parent or guardian of this determi-24nation and proposed action if any is contem-25plated.

26 In the event that it is determined that a child 27 has been abused or neglected, but that the situa-28 tion appears immediately correctable to assure the child's safety without a court order, a case 29 30 plan may be developed with the parent or custodian. The plan shall provide for the extension of 31 all counseling and supportive services deemed 32 necessary to prevent removal of the child from the parents' or custodians' home. The parents or 33 34 35 custodian and, if they so choose, their autho-36 rized representative, shall participate fully in 37 the development of the plan. The plan shall set 38 out in clear and understandable terms the prob-39 lems in need of correction and the responsibility 40 of each party under the plan.

1 The parents or custodian may refuse to partici-2 pate in the development of the plan and may refuse further services from the department. If the refusal occurs, the department shall review 3 4 5 the case to confirm the determination that the child is not in jeopardy and shall close the case 6 7 and reopen it only upon receipt of subsequent information of support or neglect. 8 Sec. 3. 22 MRSA §4005, sub-§2, as amended by PL 9 10 1983, c. 783, §2, is repealed and the following en-11 acted in its place: 12 2. Parents. Parents and custodians are entitled 13 to legal counsel in child protection proceedings, in-14 cluding child protective investigations. Legal counsel may be appointed for all indigent per-sons prior to the onset of the investigation if they 15 16 17 so choose and shall be appointed as soon as a determination has been made by the department that the child is in jeopardy with respect to his health and 18 19 20 welfare and a decision to petition for a protective order is made. The department shall arrange for coun-21 sel to be appointed where it is requested or required 22 pursuant to this section and the court shall pay all 23 reasonable costs and expenses of their legal counsel. 24 25 STATEMENT OF FACT 26 This bill requires notice to the parents or cus-27 todian of children who are the reported subject of child abuse specifying the nature of the complaint to 28 be investigated, the procedure to be followed in the investigation and the possible determinations that 29 30 may result, including the consequences of those de-31 32 terminations. It also provides for counsel to be ap-33 pointed for indigent parents or custodians at the onset of an investigation if they so choose.

35

34

1386020285

Page 3-L.D. 686