

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 686

6
7 H.P. 483

House of Representatives, February 26, 1985

8 Reference to the Committee on Human Resources is suggested and
9 ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Rolde of York.

Sponsored by Senator Najarian of Cumberland.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT to Provide Family Counseling and Legal
18 Assistance in Cases of Alleged Child
19 Abuse or Neglect.
20

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

23 Sec. 1. 22 MRSA §4004, sub-§2, ¶¶C and D, as en-
24 acted by PL 1979, c. 733, §18, are repealed.

25 Sec. 2. 22 MRSA §4004, sub-§2, ¶¶E and F are en-
26 acted to read:

27 E. Notify parents or custodian of each child who
28 is the reported subject of abuse or neglect in
29 writing that the department will conduct an in-
30 vestigation to determine if the report can be
31 substantiated. The notice shall be received prior
32 to the beginning of the investigation but may be
33 given to the parents or custodian at the onset of
34 the investigation and shall contain the follow-
35 ing:

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 which
13 the investigation shall be complete;

14 (6) Notice of the possible outcome and con-
15 sequences of the investigation; and

16 (7) Notice that legal counsel may be ap-
17 pointed for them before the investigation is
18 began; and

19 F. Determine the degree of harm or threatened
20 harm to each child in each case, if any, and take
21 whatever action is appropriate to further the
22 purposes of this chapter and shall notify the
23 child's legal parent or guardian of this determi-
24 nation and proposed action if any is contem-
25 plated.

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
29 the child's safety without a court order, a case
30 plan may be developed with the parent or custodi-
31 an. The plan shall provide for the extension of
32 all counseling and supportive services deemed
33 necessary to prevent removal of the child from
34 the parents' or custodians' home. The parents or
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.

