

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1288

6
7 H.P. 893

House of Representatives, April 10, 1985

8 Referred to the Committee on Appropriations and Financial Affairs. Sent
9 up for concurrence and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Rolde of York.

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 an Office of
18 Advocate in Cases of Child Abuse and
19 Selection of and Operation of Children
20 in Foster Homes.
21

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

24 Sec. 1. 22 MRSA §4010-A is enacted to read:

25 §4010-A. Office of Advocate for Children who are
26 Victims of Abuse

27 The Office of Advocate for Children who are Vic-
28 tims of Abuse is established.

29 1. Definition. As used in this section, unless
30 the context otherwise indicate, the following terms
31 have the following meanings.

32 A. "Advocate" means the Advocate for Children
33 who are Victims of Abuse. The advocate must be

1 familiar with the procedures, process and ser-
2 vices provided by public and private agencies to
3 treat, care for and provide foster care to chil-
4 dren who are victims of abuse. The advocate must
5 be capable of advocating solely on behalf of
6 these children.

7 B. "Client" means a child served by or in the
8 custody of the Department of Human Services, who
9 is being provided services because he is a victim
10 of mental, physical or sexual abuse.

11 C. "Professional" means a person possessing ap-
12 propriate licensure, certification or registra-
13 tion to practice his discipline.

14 2. Appointment. The Advocate for Children who
15 are Victims of Abuse shall be appointed by the Gover-
16 nor, subject to review by the joint standing commit-
17 tee of the Legislature having jurisdiction over human
18 resources and to confirmation by the Legislature, and
19 shall serve at the pleasure of the Governor. Any va-
20 cancy shall be filled by similar appointment.

21 3. Staff. The staff of the advocate shall con-
22 sist of such other personnel, including attorneys, as
23 the advocate deems necessary in order to represent
24 children of physical, sexual or mental abuse as re-
25 quired by subsection 5. All personnel shall be ap-
26 pointed, supervised and directed by the advocate.
27 The advocate shall not be subject to the supervision,
28 direction or control of the commissioner.

29 4. Service. Professional employees of the advo-
30 cate shall serve at the pleasure of the advocate.
31 All other employees shall be subject to the Personnel
32 Law.

33 5. Duties. The duties and responsibilities of
34 the advocate shall be to represent children who are
35 victims of abuse and who are clients of the depart-
36 ment. The advocate's duties include:

37 A. Reviewing, investigating and making appropri-
38 ate recommendations concerning the reasonableness
39 of treatment and care provided by the department;

- 1 B. Reviewing, investigating and making appropri-
2 ate recommendations concerning the selection, li-
3 censing and oversight of foster care;
- 4 C. Reviewing, investigating and making appropri-
5 ate recommendations concerning the rights of
6 these clients, and interceding on their behalf
7 with officials of institutions, facilities and
8 agencies administered by the department;
- 9 D. Assisting clients in initiation of grievance
10 procedures established by the advocate;
- 11 E. Informing clients of all laws, rules, poli-
12 cies, relevant legal decisions and other develop-
13 ments related to their care and treatment;
- 14 F. Investigating complaints affecting these cli-
15 ents;
- 16 G. When deemed necessary by the advocate, inter-
17 vening and appearing on behalf of clients in any
18 proceedings affecting the rights of clients, in-
19 cluding decisions or orders made before state or
20 federal agencies or courts in which the subject
21 matter affects the clients; and
- 22 H. Preparing and submitting an annual report of
23 the activities of the advocate to the Governor
24 and to the joint standing committee of the Legis-
25 lature having jurisdiction over human resources
26 by August 1st of each year, with copies available
27 to the Legislature.
- 28 6. Appeal from orders. The advocate has the
29 same rights of appeal from orders of the commissioner
30 concerning any proceeding to which he has been a par-
31 ty as do other parties in that proceeding.
- 32 7. Relationship with Attorney General. This
33 section shall not limit the rights of the Attorney
34 General. The advocate may request assistance from
35 the Attorney General.
- 36 8. Information from public and private agencies
37 in the State. Public and private agencies shall pro-
38 vide to the advocate, upon his request, information

1 required to be filed with the commissioner. The ad-
2 vocate may petition the court upon the refusal of any
3 agency to supply data necessary to carry out the pur-
4 poses of this section.

5 9. Conflict of interest. The advocate shall
6 have no official or professional connection or rela-
7 tion, pecuniary or otherwise, with public or private
8 agencies or firms providing treatment or care for
9 these clients.

10 Sec. 2. Appropriation. The following funds are
11 appropriated from the General Fund to carry out the
12 purposes of this Act.

	<u>1985-86</u>	<u>1986-87</u>
13		
14	<u>HUMAN SERVICES, DEPART-</u>	
15	<u>MENT OF</u>	
16	Office of Advocate for	
17	Children who are Victims	
18	of Abuse	
19	Positions (4)	(4)
20	Personal Services \$78,000	\$104,000
21	All Other 16,650	16,300
22	Capital Expenditures <u>2,370</u>	<u> </u>
23	Total \$97,020	\$120,300

24 STATEMENT OF FACT

25 This bill provides an Advocate for Children who
26 are Victims of Abuse who are being provided services,
27 treatment or care in public or private facilities,
28 their home or foster care. The advocate may inter-
29 cede in behalf of these clients, investigate com-
30 plaints, review orders, provide information and make
31 recommendations concerning their care. The advocate
32 is appointed by the Governor and reports to him and
33 the joint standing committee of the Legislature hav-
34 ing jurisdiction over human resources.

35 0233032285