

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 FIRST REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 1342

7
8 H.P. 936

House of Representatives, April 19, 1985

9 Reported by Representative Nelson from the Commission to Examine the
10 Availability, Quality and Delivery of Services Provided to Children with
11 Special Needs pursuant to Resolve 1983, Chapter 47, as amended by Resolve
1983, Chapter 86 and printed pursuant to Joint Rule 18.

EDWIN H. PERT, Clerk

12
13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-FIVE
17

18 Resolve, Relating to the Development of an
19 Interdepartmental Plan to Identify
20 Needed Resources for a Statewide
21 Network of Out-of-home Placements and
22 Aftercare, Follow-up and Transitional
23 Services.
24

25 Emergency preamble. Whereas, Acts and resolves
26 of the Legislature do not become effective until 90
27 days after adjournment unless enacted as emergencies;
28 and

29 Whereas, a large number of students require
30 placement outside of their homes in therapeutic foster
31 homes, therapeutic group homes, residential
32 treatment centers and temporarily in emergency shel-
33 ters as a result of circumstances involving the com-
34 munity, family or school; and

35 Whereas, access to existing services for children
36 and youth depend upon the child's classification,

1 status and ability to fit within defined program cri-
2 teria; and

3 Whereas, there are groups of children whose prob-
4 lems do not fit the existing defined responsibilities
5 of any department of the State; and

6 Whereas, in some situations, the service is sim-
7 ply not available or available in very limited scope;
8 and

9 Whereas, current resources are already straining
10 to meet the current demand for services and the de-
11 velopment of additional placement resources is ex-
12 pected to become a critical issue over the next 2
13 years; and

14 Whereas, transitional or aftercare services are
15 intended to facilitate the return of a youngster to a
16 less restrictive community-based placement from a
17 more restrictive residential placement and any gains
18 made by adolescents completing residential programs
19 are difficult to maintain without transitional or af-
20 tercare services; and

21 Whereas, residential programs acknowledge that
22 aftercare is the weakest part of their service deliv-
23 ery system; and

24 Whereas, the Commission to Examine the Availabil-
25 ity, Quality and Delivery of Services Provided to
26 Children with Special Needs has recommended that
27 these needs be addressed; now, therefore, be it

28 Whereas, in the judgment of the Legislature,
29 these facts create an emergency within the meaning of
30 the Constitution of Maine and require the following
31 legislation as immediately necessary for the preser-
32 vation of the public peace, health and safety; now,
33 therefore, be it

34 Committee established. Resolved: That the Com-
35 missioner of Corrections, the Commissioner of Educa-
36 tional and Cultural Services, the Commissioner of Hu-
37 man Services and the Commissioner of Mental Health
38 and Mental Retardation assign an interdepartmental
39 committee to identify what is needed for a statewide

1 network of out-of-home placements. The plan should
2 include consideration of the following points:

3 1. Availability of funding to ensure accessibil-
4 ity to therapeutic foster home and therapeutic group
5 home placements for all Maine youths who are in need
6 of these services;

7 2. Development of one or 2 pilot projects for
8 provision of transitional or aftercare services and
9 funding identified for implementation;

10 3. Assurances that, for every child placed in a
11 residential facility, an aftercare component is de-
12 veloped and funds made available for implementation;

13 4. Documentation of working assurances that
14 linkages to services exist for all children;

15 5. Development of agreements or protocols to en-
16 sure aftercare, follow-up and transition from one
17 service to another in a way that will continually ad-
18 dress and monitor the needs of the child; and

19 6. Development of an evaluation component; and
20 be it further

21 **Reports. Resolved:** That the Commissioner of
22 Corrections, the Commissioner of Educational and Cul-
23 tural Services, the Commissioner of Human Services
24 and the Commissioner of Mental Health and Mental Re-
25 tardation submit a written report to the Joint Stand-
26 ing Committee on Human Resources and the Joint Stand-
27 ing Committee on Judiciary no later than January 15,
28 1986; and be it further

29 **Copies of resolve forwarded. Resolved:** That
30 suitable copies of this resolve be forwarded to the
31 Joint Standing Committee on Human Resources, the
32 Joint Standing Committee on Judiciary, the Commis-
33 sioner of Human Services, the Commissioner of Mental
34 Health and Mental Retardation, the Commissioner of
35 Educational and Cultural Services and the Commis-
36 sioner of Corrections.

37 **Emergency clause.** In view of the emergency cited
38 in the preamble, this resolve shall take effect when

1 approved.

2 STATEMENT OF FACT

3 The ability of Maine's social service and mental
4 health agencies to care for troubled children and
5 their families was called into question last year by
6 a Maine Sunday Telegram article that profiled the
7 tragic life of Malcolm Robbins.

8 To make sure that Maine social service agencies
9 could better handle the Malcolm Robbins of today,
10 State Representative Sharon Benoit and others
11 persuaded the Legislature to establish the Commission
12 to Examine the Availability, Quality and Delivery of
13 Services Provided to Children with Special Needs.
14 Governor Joseph E. Brennan supported the initiative.

15 The Legislature appointed 31 members, including
16 lawmakers, judges, physicians, classroom and special
17 education teachers, a police chief, social workers,
18 counselors, psychologists and commissioners or repre-
19 sentatives from the Department of Corrections, the
20 Department of Educational and Cultural Services, the
21 Department of Human Services and the Department of
22 Mental Health and Mental Retardation to the commis-
23 sion.

24 In its search for problem areas or gaps in the
25 system, the commission invited comments from parents,
26 educators, child welfare officials and mental health
27 experts. The commission conducted public hearings
28 and invited written recommendations, state agency
29 proposals and professional association critiques.

30 After more than a year of study, the commission
31 found that many positive changes had been made in
32 Maine's social service delivery system since the
33 years when Malcolm Robbins was a child. However, the
34 commission also acknowledged that numerous problems
35 continue to hamper crucial services and treatment to
36 children with mental, emotional or behavioral prob-
37 lems.

1 Of the commission's 29 recommendations, 14 re-
2 quired administrative action by the Department of
3 Corrections, the Department of Educational and Cul-
4 tural Services, the Department of Human Services and
5 the Department of Mental Health and Mental Retarda-
6 tion. An additional 7 recommendations are addressed
7 in legislative resolves.

8 The purpose of this resolve is to mandate that
9 the Commissioner of Educational and Cultural Ser-
10 vices, the Commissioner of Human Services and the
11 Commissioner of Mental Health and Mental Retardation
12 assign an interdepartmental committee to identify
13 what is needed for a statewide network of out-of-home
14 placements, including a consideration of aftercare,
15 follow-up and transition services. A written report
16 shall be submitted to the Joint Standing Committee on
17 Human Resources and the Joint Standing Committee on
18 Judiciary no later than January 15, 1986.

19 The need for a coordinated plan for out-of-home
20 placements is reflected in the report of the Commis-
21 sion to Examine the Availability, Quality and Deliv-
22 ery of Services Provided to Children with Special
23 Needs.

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