

# 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. 1454

8 H.P. 1010

House of Representatives, May 3, 1985

9 Reported by Representative Chonko from the Commission to Examine  
10 the 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 2,000 ordered 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 AN ACT to Improve the Availability, Quality  
19 and Delivery of Services Provided to  
20 Children with Special Needs.  
21

22 **Emergency preamble.** Whereas, Acts of the Legis-  
23 lature do not become effective until 90 days after  
24 adjournment unless enacted as emergencies; and

25 Whereas, the Commission to Examine the Availabil-  
26 ity, Quality and Delivery of Services Provided to  
27 Children with Special Needs has identified serious  
28 gaps in the service delivery system for children with  
29 mental, emotional or behavioral problems; and

30 Whereas, many of the commission's recommendations  
31 require plans or reports to be submitted to the Leg-  
32 islature by January 6, 1986, and in some cases, as  
33 early as October 15, 1985; and

34 Whereas, additional funds are necessary to com-  
35 plete the studies recommended by the commission in  
36 the specified time frames; and



1 further assessed to determine the kind and level  
2 of services needed and to obtain informed parental  
3 consent for further participation.

4 C. A critical step in this program is the coordinated  
5 engagement and involvement of all the  
6 screening and evaluation systems, the services  
7 systems and intervention systems provided by the  
8 several state agencies involved with infant and  
9 family services.

10 D. The intervention and support aspects of this  
11 program shall include an interdisciplinary program  
12 to provide:

13 (1) Advocacy for the linkages to existing  
14 services to provide basic living needs such  
15 as food and shelter for the child and family;  
16

17 (2) Emotional and psychological support for  
18 the child and family; and

19 (3) Developmental guidance and training for  
20 the child and family.

21 3. Pilot projects. Pilot projects shall be established  
22 which shall provide these services to a defined  
23 population or region. A model shall be developed  
24 which will include a high risk infant and family  
25 support team, to supplement existing resources.

26 4. Interdepartmental coordination. The high  
27 risk infant and family support team shall represent  
28 workers, as appropriate, from the 3 departments that  
29 comprise the Interdepartmental Coordinating Committee  
30 for Preschool Handicapped Children, as established by  
31 Title 20-A, section 7704. That committee, through  
32 its existing interdepartmental zero to three subcommittee,  
33 shall provide statewide coordination and implementation  
34 of this program through establishing guidelines,  
35 monitoring grants, evaluating performance,  
36 offering training and providing technical assistance  
37 to the pilot projects. Existing public, private  
38 and voluntary agencies and programs shall be  
39 used to the greatest extent possible at the pilot  
40 sites and shall be provided opportunities for regular



1 The appropriation for  
2 fiscal year 1985-86  
3 provides funds for  
4 planning. The appro-  
5 priation for fiscal  
6 year 1986-87 provides  
7 funding to establish  
8 one project in a  
9 cohort area of a hos-  
10 pital or hospitals re-  
11 porting 600 live  
12 births.

13  
14 TOTAL \$10,000 \$117,200

15 PART B

16 Sec. 1. 22 MRSA §257 is enacted to read:

17 §257. Plan for coordinated community response to  
18 needs of children who are victims of sexual  
19 abuse

20 1. Plan implementation. The Commissioner of Hu-  
21 man Services shall coordinate with the Commissioner  
22 of Corrections, the Commissioner of Educational and  
23 Cultural Services and the Commissioner of Mental  
24 Health and Mental Retardation, the Director of the  
25 Division of Community Services, the Attorney General,  
26 at least one district attorney's office and law en-  
27 forcement personnel in the implementation of a plan  
28 to provide for the establishment of a coordinated  
29 community response to child sexual abuse. The plan  
30 shall identify and provide for:

31 A. Service needs;

32 B. Manpower and training needs;

33 C. Resource development needs;

34 D. Coordination of services needs;

35 E. Development of a team approach for interven-  
36 tion, investigation and treatment of sexual

- 1 abuse;
- 2 F. Crisis intervention;
- 3 G. Selection of case managers for each case;
- 4 H. A community advisory group for oversight of
- 5 community-based programs and community response;
- 6 and
- 7 I. Regional coordinators.

8 2. Outline. The commissioner shall prepare an  
 9 outline for the establishment of a State Coordinator  
 10 of Sexual Abuse Services which will coordinate:

- 11 A. Job training for sexual abuse services
- 12 providers;
- 13 B. Development of a comprehensive treatment pro-
- 14 gram for abusers and victims; and
- 15 C. Access to services for victims and their fam-
- 16 ilies.

17 3. Report. The commissioner shall submit a  
 18 progress report to the Commission to Examine the  
 19 Availability, Quality and Delivery of Services Pro-  
 20 vided to Children with Special Needs by October 1,  
 21 1985. The report shall include the progress to date  
 22 as well as an necessary legislation to complete im-  
 23 plementation of the plan and evaluation of the impact  
 24 of the services to be provided, accompanied by any  
 25 appropriation request required showing detail of ex-  
 26 penditures to be made.

27 Sec. 2. Appropriation. The following funds are  
 28 appropriated from the General Fund to carry out the  
 29 purposes of this Act.

	<u>1985-86</u>	<u>1986-87</u>
31 <u>HUMAN SERVICES, DEPARTMENT</u>		
32 <u>OF</u>		
33 <u>Positions</u>	<u>(8)</u>	<u>(8)</u>
34 <u>Personal Services</u>	<u>\$191,984</u>	<u>\$201,584</u>

1	All Other	10,560	11,088
2	These funds will		
3	provide for a staff		
4	position in each of		
5	the 8 prosecutorial		
6	districts in the		
7	State.		
8			
9	TOTAL	<u>\$202,544</u>	<u>\$212,672</u>

10 PART C

11 Appropriation. The following funds are appropri-  
 12 ated from the General Fund to carry out the purposes  
 13 of this Act.

14		<u>1985-86</u>	<u>1986-87</u>
15	<u>MENTAL HEALTH AND MENTAL</u>		
16	<u>RETARDATION, DEPARTMENT OF</u>		
17	All Other	\$1,018,800	\$2,037,600
18	These funds are for		
19	the purpose of provid-		
20	ing additional funds		
21	to community mental		
22	health programs, in-		
23	cluding community men-		
24	tal health centers, to		
25	establish as their		
26	priority service,		
27	counseling, psycholog-		
28	ical and psychiatric		
29	assistance for victims		
30	of sexual abuse.		
31	These funds shall be		
32	paid to community men-		
33	tal health programs,		
34	including community		
35	mental health centers,		
36	upon presentation and		
37	approval by the com-		
38	missioner of a propos-		
39	al by the program to		
40	provide services.		



1 Each proposal shall  
2 include specific goals  
3 and objectives to fa-  
4 cilitate evaluation of  
5 the impact of the pro-  
6 posed program.

7 Priority allocation of  
8 funds should be coor-  
9 dinated with the Com-  
10 missioner of Human  
11 Services, and shall be  
12 responsive to the  
13 needs and caseload re-  
14 quirements identified  
15 by the Department of  
16 Human Services.

17 Any program receiving  
18 funds shall be re-  
19 quired to agree that  
20 services to sexually  
21 abused children shall  
22 be the priority ser-  
23 vice of the program.

24 PART D

25 Sec. 1. 34-B MRSA §1212 is enacted to read:

26 §1212. Identification of and Services for  
27 Preadolescent Children Study

28 The Department of Corrections, the Department of  
29 Educational and Cultural Services, the Department of  
30 Human Services and the Department of Mental Health  
31 and Mental Retardation have completed a survey popu-  
32 lation of adolescent children. A similar study is  
33 necessary to develop methods to identify and facili-  
34 ties to provide treatment for preadolescent children  
35 whose behavior needs to be stabilized so that  
36 out-patient treatment can proceed; preadolescent  
37 children in residential care whose psychiatric status  
38 has deteriorated so that stabilization is necessary;  
39 and preadolescent children with behavior problems  
40 sufficiently severe to require brief hospitalization

1 for diagnostic evaluation. The treatment and stabi-  
2 lization facilities located should be accessible to  
3 all areas of the State with psychiatric and pediatric  
4 support systems in place.

5       **Sec. 2. Report.** The Department of Corrections,  
6 the Department of Educational and Cultural Services,  
7 the Department of Human Services and the Department  
8 of Mental Health and Mental Retardation shall report  
9 to the Joint Standing Committee on Human Resources by  
10 January 6, 1986, its findings. The report shall in-  
11 clude the method suggested to identify children in  
12 need of stabilization services and the facilities ex-  
13 isting or needed to accommodate these children.

14       **Sec. 3. Appropriation.** The following funds are  
15 appropriated from the General Fund to carry out the  
16 purposes of this Act.

17 1985-86

18 MENTAL HEALTH AND MENTAL  
19 RETARDATION, DEPARTMENT OF

20	All Other	\$35,000
21	This funds are to be	
22	used to fund a study	
23	for the identification	
24	of and services for	
25	preadolescent chil-	
26	dren.	

27 **PART E**

28       **Sec. 1. 34-A MRSA §1404 is enacted to read:**

29 §1404. Compliance, Juvenile Justice and Delinquency  
30 Prevention Act of 1974

31 The Juvenile Justice and Delinquency Prevention  
32 Act of 1974 requires the State to remove all juve-  
33 niles from county jails or adult lockups for secure  
34 detention. The State has agreed to comply with that  
35 Act. The Department of Corrections shall serve as  
36 lead agency, in conjunction with the Department of  
37 Educational and Cultural Services, the Department of

1 Human Services and the Department of Mental Health  
2 and Mental Retardation and the Juvenile Justice Ad-  
3 visory Group to develop a plan that will identify and  
4 plan for the availability of the following types of  
5 resources for youths who have been or will be adjudi-  
6 cated:

7 1. Secure detention. Secure detention which  
8 will include capability for short-term behavior sta-  
9 bilization and diagnostic evaluation;

10 2. Nonsecure residences. Nonsecure residences,  
11 including group homes, emergency shelters or foster  
12 homes; and

13 3. Supervision and support services. Supervi-  
14 sion and support services, including home-builder  
15 type programs to permit youths to remain at home  
16 pending adjudication and provide support during tran-  
17 sition from places of detention.

18 The plan shall include the development of re-  
19 sources on an interdepartmental basis.

20 The Department of Corrections shall report its  
21 findings, plan and recommendations along with any  
22 necessary legislation to the joint standing commit-  
23 tees of the Legislature having jurisdiction over ju-  
24 diiciary and human resources by January 6, 1986.

25 Sec. 2. Appropriation. The following funds are  
26 appropriated from the General Fund to carry out the  
27 purposes of this Act.

	<u>1985-86</u>	<u>1986-87</u>
28		
29	<u>CORRECTIONS, DEPARTMENT OF</u>	
30	Positions	(1)
31	Personal Services	(1)
32		\$22,200
33	These funds provide	\$24,200
34	for one Research As-	
35	sociate II to provide	
36	staff assistance to	
37	the Interdepartmental	
38	Coordinating Committee	
	for research and re-	

1 port writing on this  
2 assignment and Parts  
3 A, B and D of this  
4 Act.

5 PART F

6 Appropriation. The following funds are appropri-  
7 ated from the General Fund to carry out the purposes  
8 of this Act.

9		<u>1985-86</u>	<u>1986-87</u>
10	<u>CORRECTIONS, DEPARTMENT OF</u>		
11	Positions	(4 1/2)	(4 1/2)
12	Personal Services	\$ 79,964	\$87,218
13	All Other	50,000	
14	The Department of Cor-		
15	rections has prepared		
16	a plan for a secure		
17	treatment program for		
18	juvenile violent sexual		
19	offenders at the		
20	Maine Youth Center.		
21	The program involves		
22	implementation of an		
23	array of cognitive and		
24	behavior procedures.		
25	The program will re-		
26	quire an intensive		
27	programming structure		
28	with an adequate num-		
29	ber of staff to deal		
30	with clients on a dai-		
31	ly basis with treat-		
32	ment interventions to		
33	control aggressive be-		
34	havior. The estimated		
35	length of stay for		
36	clients is 18 to 36		
37	months. The program		
38	will be highly struc-		
39	tured and secure.		
40	Specific goals and ob-		
41	jectives to facilitate		

1 evaluation of the pro-  
 2 gram shall be devel-  
 3 oped prior to imple-  
 4 mentation. These  
 5 funds provide for 2  
 6 Psychiatric Social  
 7 Workers II; one Clerk  
 8 Steno II; a part-time  
 9 Recreational Thera-  
 10 pist; and one Correc-  
 11 tional Case Worker.

12			
13	TOTAL	<u>\$129,964</u>	<u>\$87,218</u>

14 PART G

15 Appropriation. The following funds are appropri-  
 16 ated from the General Fund to carry out the purposes  
 17 of this Act.

18		<u>1985-86</u>	<u>1986-87</u>
19	<u>CORRECTIONS, DEPARTMENT OF</u>		
20	Maine Youth Center -		
21	Hayden Treatment Unit		
22	Positions	(3)	(3)
23	Personal Services	\$60,471	\$66,029
24	All Other	20,000	22,000
25	Adolescents have		
26	been identified		
27	within the popula-		
28	tion of adjudicated		
29	youths at the Maine		
30	Youth Center who		
31	need treatment to		
32	address psychiatric		
33	or emotional behav-		
34	ioral issues, or		
35	both. Additional		
36	funds are appropri-		
37	ated to restaff the		
38	Hayden Treatment		
39	Unit so that it can		
40	realistically meet		

1 the needs of an in-  
2 creasingly disturbed  
3 population of  
4 youths. Included  
5 are funds for one  
6 Special Education  
7 Teacher; one Psychi-  
8 atric Social Worker;  
9 and one Psychologist  
10 I.

11  
12 TOTAL \$80,471 \$88,029

13 **Emergency clause.** In view of the emergency cited  
14 in the preamble, this Act shall take effect when ap-  
15 proved.

16 STATEMENT OF FACT

17 The ability of the State's social service and  
18 mental health agencies to care for troubled children  
19 and their families was called into question last year  
20 by a Maine Sunday Telegram article that profiled the  
21 tragic life of Malcolm Robbins.

22 To make sure that Maine social service agencies  
23 could better handle the Malcolm Robbins of today,  
24 State Representative Sharon Benoit and others  
25 persuaded the Maine Legislature to establish the Com-  
26 mission to Examine the Availability, Quality and De-  
27 livery of Services Provided to Children with Special  
28 Needs. Governor Joseph E. Brennan supported the ini-  
29 tiative.

30 The Legislature appointed 31 members, including  
31 lawmakers, judges, physicians, classroom and special  
32 education teachers, a police chief, social workers,  
33 counselors, psychologists and commissioners or repre-  
34 sentatives from the Department of Corrections, the  
35 Department of Educational and Cultural Services, the  
36 Department of Human Services and the Department of  
37 Mental Health and Mental Retardation to the commis-  
38 sion.

39 It in its search for problem areas or gaps in the

1 system, the commission invited comment, from parents,  
2 educators, child welfare officials and mental health  
3 experts. The commission conducted public hearings  
4 and invited written recommendations, state agency  
5 proposals and professional association critiques.

6 After more than a year of study, the commission  
7 found that many positive changes had been made in the  
8 State's social service delivery system since the  
9 years when Malcolm Robbins was a child. The commis-  
10 sion also acknowledged that numerous problems contin-  
11 ue to hamper crucial services and treatment to chil-  
12 dren with mental, emotional or behavioral problems.

13 Of the commission's 29 recommendations, 14 re-  
14 quired administrative action by the Department of  
15 Corrections, the Department of Educational and Cul-  
16 tural Services, the Department of Human Services and  
17 the Department of Mental Health and Mental Retarda-  
18 tion. An additional 7 recommendations are addressed  
19 in legislative resolves. This bill incorporates 7 of  
20 the remaining 8 recommendations made by the commis-  
21 sion. The remaining recommendation addresses the  
22 need to revise the funding formula for out-of-home  
23 placements so that access to services is more equita-  
24 ble. Legislation addressing this concern has been  
25 submitted in previous sessions and is again being  
26 submitted as a separate bill. All of the parts of  
27 this bill will require legislative appropriations by  
28 fiscal year 1986-87.

29 Part A establishes a pilot project in prevention  
30 and early intervention to screen, assess, coordinate  
31 and provide needed services to handicapped or at risk  
32 0 to 3-year old infants and their families. The  
33 first year of the program will be used to develop an  
34 interdepartmental plan for the development of a pilot  
35 project in fiscal year 1986-87.

36 Part B appropriates funds to the Department of  
37 Human Services for staff positions in each of the  
38 State's 8 prosecutorial districts and mandates that  
39 the Commissioner of Human Services coordinate with  
40 representatives of other agencies to implement a plan  
41 for the establishment of a coordinated community re-  
42 sponse to child sexual abuse. A progress report,  
43 along with any additional appropriation request will

1 be available by October 1, 1985, for submission to  
2 the Second Regular Session of the 112th Legislature.

3 Part C appropriates funds to the Department of  
4 Mental Health and Mental Retardation for allocation  
5 to community mental health programs to establish ser-  
6 vices for victims of sexual abuse as a priority ser-  
7 vice in their programs. Key elements include assess-  
8 ment services, individual, group and family therapies  
9 for victims, their families and offenders, confronta-  
10 tion groups, emergency services, consultation and ed-  
11 ucation services, coordination and linkage among ser-  
12 vice providers in a given region and program evalua-  
13 tion. Based upon recent experiences, the fiscal  
14 note for the first year would enable the Department  
15 of Mental Health and Mental Retardation to fund pro-  
16 grams in each of the mental health catchment areas.  
17 The fiscal note in the 2nd year is based upon a full  
18 year's operational costs. Allocation of the funds  
19 will be coordinated with the Commissioner of Human  
20 Services and will be responsive to the needs identi-  
21 fied by that department.

22 Part D appropriates funds to the Department of  
23 Mental Health and Mental Retardation to complete a  
24 study that will enable the Department of Corrections,  
25 the Department of Educational and Cultural Services,  
26 the Department of Human and Services and the Depart-  
27 ment of Mental Health and Mental Retardation to de-  
28 velop methods to identify and facilities to provide  
29 treatment for preadolescent children whose behavior  
30 and treatment needs exceed the current system's ca-  
31 pacity to respond. A report will be submitted to the  
32 Joint Standing Committee on Human Resources by Janu-  
33 ary 6, 1986.

34 Part E addresses the need for the Department of  
35 Corrections, in conjunction with the Juvenile Justice  
36 Advisory Group and the Department of Educational and  
37 Cultural Services, the Department of Human Services  
38 and the Department of Mental Health and Mental Retar-  
39 dation, to develop a plan that identifies and plans  
40 for the availability of community-based resources for  
41 juvenile justice clients. A report with accompanying  
42 legislation will be submitted to the joint standing  
43 committees of the Legislature have jurisdiction over  
44 judiciary and human resources by January 6, 1986.



1           Part F appropriates funds to the Department of  
2 Corrections to implement its plan for a secure treat-  
3 ment program for violent sexual offenders at the  
4 Maine Youth Center.

5           Part G appropriates funds to the Department of  
6 Corrections to restaff the Hayden Treatment Unit at  
7 the Maine Youth Center so that it can realistically  
8 meet the needs of an increasingly disturbed popula-  
9 tion of youths.

10

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