

# MAINE STATE LEGISLATURE

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L.D. 2233

(Filing No. H- 653 )

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
112TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1588, L.D. 2233, Bill, "AN ACT to Improve Child Welfare Services in Maine."

Amend the bill by inserting before the enacting clause the following:

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

Whereas, Maine, like the nation, is experiencing an increase in referrals alleging all types of child abuse and neglect; and

Whereas, ensuring that Maine children are protected from abuse and neglect is vitally important; and

Whereas, clarifying procedures used by the Department of Human Services and the courts to protect children from abuse and neglect is necessary; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, '

Further amend the bill by inserting after section 5 the following:

'Sec. 6. 22 MRSA §4008, sub-§5 is enacted to read:

5. Retention of unsubstantiated child protection

COMMITTEE AMENDMENT "A" to H.P. 1588, L.D. 2233

1 services records. The department shall retain unsub-  
2 stantiated child protective services case records for  
3 no more than 18 months following a finding of  
4 unsubstantiation and then expunge unsubstantiated  
5 case records from all departmental files or archives  
6 unless a new referral has been received within the  
7 18-month retention period.

8 Further amend the bill in section 13 in subsection  
9 7 in the 6th and 7th lines (page 5, lines 34 and  
10 35 in L.D.) by striking out the following: "he is  
11 rectifying and resolving" and inserting in its place  
12 the following: ', to the court's satisfaction, he has  
13 rectified and resolved' and in the 10th line (page 5,  
14 line 38 in L.D.) by inserting after the word "child"  
15 the following: 'from jeopardy'

16 Further amend the bill in section 14 in subsection  
17 2 in paragraph A by inserting after subparagraph  
18 (3) the following:

19 '(4) The parent has abandoned the child,'

20 Further amend the bill in section 14 in subsection  
21 2 in paragraph A by renumbering the  
22 subparagraphs to read consecutively.

23 Further amend the bill in section 14 in subsection  
24 2 in paragraph B in the 3rd line from the end  
25 (page 7, line 18 in L.D.) by striking out the follow-  
26 ing: "may be met by" and inserting in its place the  
27 following: 'may be met by must precede'

28 Further amend the bill by inserting after section  
29 15 the following:

30 'Sec. 16. 22 MRS §4058 is enacted to read:

31 §4058. Sunset provision

32 The provision in chapter 1071 dealing with family  
33 rehabilitation and reunification shall be reviewed in

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1 accordance with the Maine Sunset Act, Title 3, chap-  
2 ter 23, no later than June 30, 1989.'

3 Further amend the bill in section 16 in the 10th  
4 and 11th lines (page 8, lines 31 and 32 in L.D.) by  
5 striking out the following: "intent" and inserting in  
6 its place the following: 'intend'

7 Further amend the bill by inserting after section  
8 16 the following:

9 'Sec. 17. Allocation. The following funds are  
10 allocated from federal funds to carry out the pur-  
11 poses of this Act.

12 1985-86 1986-87

13 HUMAN SERVICES, DEPARTMENT OF

|    |                           |     |     |
|----|---------------------------|-----|-----|
| 14 | Bureau of Social Services |     |     |
| 15 | Positions                 | (1) | (1) |
| 16 | Currently available       |     |     |
| 17 | federal funds from        |     |     |
| 18 | Title IV-B will be        |     |     |
| 19 | used to support           |     |     |
| 20 | changing the insti-       |     |     |
| 21 | tutional abuse pro-       |     |     |
| 22 | gram specialist from      |     |     |
| 23 | a part-time position      |     |     |
| 24 | to a full-time posi-      |     |     |
| 25 | tion.'                    |     |     |

26 Further amend the bill by renumbering the sec-  
27 tions to read consecutively.

28 Further amend the bill by inserting before the  
29 Statement of Fact the following:

30 'Emergency clause. In view of the emergency  
31 cited in the preamble, this Act shall take effect  
32 when approved.'

COMMITTEE AMENDMENT "A" to H.P. 1588, L.D. 2233

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STATEMENT OF FACT

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This amendment limits the length of time the department may retain unsubstantiated child protective services case records unless a new referral is received within the retention period.

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This amendment requires the parent to show that he has rectified and resolved the problems which originally caused the removal of the child, rather than in the process of rectifying and resolving these problems.

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This amendment adds parental abandonment as another reason upon which the department may decide not to commence or to discontinue rehabilitation and reunification efforts or the court may order that rehabilitation and reunification efforts need not commence or may be discontinued.

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This amendment requires the department to fully notify any parent regarding the department's decision to discontinue reunification efforts prior to serving a petition to terminate parental rights.

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This amendment corrects a misspelling in section 16 of the bill.

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This amendment requires the sections of the law dealing with family rehabilitation and reunification to be reviewed no later than June 30, 1989.

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This amendment clarifies that the position of institutional abuse program specialist within the Bureau of Social Services has been changed from a part-time position to a full-time position and that currently available federal dollars will be used to support the increased time.

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