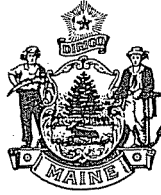


MAINE STATE LEGISLATURE

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)



114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1631

S.P. 578

In Senate, May 11, 1989

Reported by Senator BRANNIGAN of Cumberland for the Commission on Children in Need of Supervision and Treatment pursuant to Public Law 1987, chapter 816, Pt. KK, section 32.

Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed pursuant to Joint Rule 18.

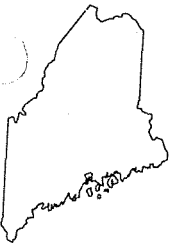
A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act to Improve the Availability and Effectiveness of Youth and Family Services.



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

3 Sec. 1. 5 MRSA Pt. 16-A is enacted to read:

5 PART 16-A

7 STATUS OF YOUTH AND FAMILIES

9 CHAPTER 362

11 MAINE COMMISSION FOR YOUTH AND FAMILIES

13 §7019. Maine Commission for Youth and Families

15 1. Established. In order to improve the status of services
17 to the State's youth and families, there is established an
19 independent commission to be known as the Maine Commission for
21 Youth and Families, referred to in this chapter as the
"commission."

23 2. Membership. The commission shall consist of 16 members
25 appointed as provided in this subsection. Initial appointments
shall be made within 30 days of the effective date of this
chapter.

27 A. The President of the Senate shall appoint the following
29 members:

31 (1) One Senator; and

33 (2) Two persons who represent the general public.

35 B. The Speaker of the House of Representatives shall
appoint the following members:

37 (1) One member of the House of Representatives; and

39 (2) Two persons who represent the general public.

41 C. The Governor shall appoint the following number of
43 members from the following groups:

45 (1) Three persons who are using or have used the
services provided by the State to youth and families;

47 (2) Three persons who are youth and family service
49 providers at the community level; and

51 (3) Three persons who represent the general public.

1 D. The Governor shall designate one member upon the
2 recommendation of the Committee for the Interdepartmental
3 Coordination of Services to Children and Families. This
4 person shall serve as a nonvoting member of the commission.

5
6 3. Terms of office; vacancies. The term of office for each
7 member is 2 years, except for the first appointed members. Of
8 the first appointed members, the Governor shall designate 6 of
9 the gubernatorial appointees at the time they are appointed to
10 serve for terms of one year. The President of the Senate and the
11 Speaker of the House of Representatives shall each designate one
12 of their appointees at the time they are appointed to serve for a
13 term of one year. The remaining members shall serve for terms of
14 2 years.

15
16 When a member's term expires, that member shall continue to serve
17 until a successor is appointed. Any member may be removed for
18 cause, including excessive absences from commission meetings, by
19 the appointing authority. The commission shall determine when a
20 member's absences have been excessive.

21
22 The appointing authority shall fill any vacancies on the
23 commission in the same manner in which a regular appointment is
24 made.

25
26 4. Chair. The commission shall elect a chair and
27 vice-chair from among its membership.

28
29 5. Meetings. The commission shall meet at least 4 times a
30 year. Additional meetings may be held as necessary at the call
31 of the chair or any 2 members. Meetings shall be announced in
32 advance and open to the public as required by Title 1, chapter
33 13, subchapter I.

34
35 6. Quorum. Eight members of the commission constitute a
36 quorum. No action may be taken by the commission except by
37 affirmative vote of a majority of those present and voting.

38
39 7. Compensation. Members shall serve without compensation,
40 but are entitled to reimbursement for necessary expenses incurred
41 in the work of the commission as provided in chapter 379.

42 §7020. Commission duties

43
44 The commission shall:

45
46 1. Advise and consult. Advise and consult with the
47 Governor and the Legislature about the status of services to the
48 State's youth and families;

49
50 2. Advocacy. Serve as an advocate for the State's youth
51 and families by making recommendations on proposed budgetary,

1 legislative and policy actions to the Governor, the Legislature
2 and other officials with respect to policies, programs and other
3 activities affecting or relating to youth and families in the
4 State;

5
6 3. Acquire expertise. Work with departments of State
7 Government, planning groups and organizations to acquire
8 information, participate in planning and share expertise;

9
10 4. Research. Explore creative or innovative program and
11 funding options;

12
13 5. Information. Inform the public about the presence or
14 absence of opportunities and services for youth and families;

15
16 6. Public meetings. Conduct public hearings, conferences
17 and other meetings to obtain information about, discuss and
18 publicize the needs of and solutions to problems of youth and
19 families;

20
21 7. Administration and staff. Appoint an executive director
22 and secretary and request staff assistance from other departments
23 of State Government. The executive director shall serve at the
24 will of the commission and is not subject to the civil service
25 laws. The executive director shall be compensated in an amount
26 determined by the commission within the same pay range authorized
27 for the Executive Director of the Maine Commission for Women.
28 The executive director shall perform those duties assigned by the
29 commission; and

30
31 8. Reports. Prepare a biennial report to be presented to
32 the Governor and the Legislature concerning the work and
33 interests of the commission. The first report shall be presented
34 by February 1, 1991.

35
36 Sec. 2. 5 MRS §12004-J, sub-§7 is enacted to read:

37
38

<u>7. Youth and</u>	<u>Maine Commission</u>	<u>Expenses</u>	<u>5 MRS §7019</u>
<u>Families</u>	<u>for Youth and</u>	<u>Only</u>	
	<u>Families</u>		

40
41 Sec. 3. 34-B MRS §6201, sub-§1-A is enacted to read:

42
43 1-A. Children in need of supervision. "Children in need of
44 supervision" means children up to the age of 18 years who may
45 benefit from services because they:

46
47 A. Are runaway or homeless;

48
49 B. Have repeatedly exhibited violent or aggressive behavior
50 toward property or family members;

- 1 C. Have repeatedly disobeyed reasonable and proper orders
- 2 of a parent, guardian or other custodian or who are beyond
- 3 the control of a parent, guardian or other custodian;
- 4
- 5 D. Are truant;
- 6
- 7 E. Are not currently or consistently being served optimally
- 8 by the system or agency with which they are involved;
- 9
- 10 F. Will not voluntarily accept services; or
- 11
- 12 G. Are in families at risk.
- 13

14 **Sec. 4. 34-B MRSA §6204, sub-§1, ¶B**, as enacted by PL 1985, c.
15 503, §12, is amended to read:

16 B. Facilitate the planning, promoting, coordination,
17 delivery and evaluation of a complete and integrated
18 statewide system of services to children in need of
19 treatment and their families; and

20 **Sec. 5. 34-B MRSA §6204, sub-§1, ¶C**, as amended by PL 1987, c.
21 349, Pt. H, §27, is further amended to read:

22 C. Support those services appropriate to children in need
23 of treatment and their families, including, but not
24 necessarily limited to, the following:

- 25 (1) Advocacy;
- 26
- 27 (2) Assessment and diagnosis;
- 28
- 29 (3) Child development;
- 30
- 31 (4) Consultation and education;
- 32
- 33 (5) Crisis intervention;
- 34
- 35 (6) Family guidance and counseling;
- 36
- 37 (7) Preventive intervention;
- 38
- 39 (8) Professional consultation and training;
- 40
- 41 (9) Respite care and other family support services;
- 42 and
- 43 (10) Treatment- ; and
- 44

45 **Sec. 6. 34-B MRSA §6204, sub-§1, ¶D** is enacted to read:

46

1 D. Ensure that a full spectrum of services is available to
3 address the problems of children in need of supervision.

5 (1) The bureau shall provide or arrange for the
7 provision of at least the following services:

9 (a) Administrative services, including the
11 establishment of:

13 (i) Regional service delivery coordination
15 sites;

17 (ii) A central placement review committee;
19 and

21 (iii) A statewide program evaluation
23 component; and

25 (b) Service delivery systems, including:

27 (i) A statewide primary prevention program;

29 (ii) A statewide public education program;

31 (iii) Early intervention;

33 (iv) Peer counseling and support;

35 (v) Information and referral;

37 (vi) Case management;

39 (vii) Transportation to necessary services;

41 (viii) Aftercare;

43 (ix) Mediation;

45 (x) Evaluation and assessment services;

47 (xi) Outpatient mental health services;

49 (xii) Outpatient substance abuse services;

51 (xiii) Family support services;

(xiv) Home-based service teams;

(xv) Homeless shelters and emergency
shelters;

(xvi) Semi-independent living programs;

1 (xvii) Day treatment;

3 (xviii) Therapeutic foster homes;

5 (xix) Therapeutic group homes;

7 (xx) Residential treatment facilities;

9 (xxi) Psychiatric hospital care; and

11 (xxii) Secure treatment facilities; and

13
15 (2) The bureau shall work with other state agencies
17 which have primary responsibility for providing the
19 following services to ensure their availability as part
21 of the full spectrum of services for children in need
23 of supervision:

25 (a) Employment resource services;

27 (b) Educational resources;

29 (c) Child protective program augmentation; and

31 (d) Establishment of a 24-hour hotline for
33 parents and children to access services.

35 **Sec. 7. 34-B MRSA §6204, sub-§2,** as enacted by PL 1985, c.
37 503, §12, is amended to read:

39 2. **Powers.** The bureau may perform the duties described in
41 subsection 1 and may provide services to children in need of
43 treatment and to children in need or supervision through
45 state-operated facilities and programs or through contracts and
47 grants to public and private agencies. In all cases, the bureau
49 shall ensure that services are provided in the least restrictive
51 setting consistent with the child's needs, commensurate with the
resources available to the bureau and in coordination with
services and resources of other state agencies serving children
and families. Emphasis shall be placed on maintaining each child
in his the child's natural home or in an alternative placement
within the community whenever possible.

45 **Sec. 8. Legislation.** The Department of Human Services, in
47 conjunction with the Committee for the Interdepartmental
49 Coordination of Services to Children and Families, shall develop
51 legislation to be introduced by February 1, 1990, to the Second
Regular Session of the 114th Legislature. The legislation shall
create a system to provide involuntary treatment services for
children who refuse services on a voluntary basis. At a minimum,
the legislation must address the following issues:

1
3
5
7
9
11
13
15
17
19
21
23
25
27
29
31
33
35
37
39
41
43
45
47
49

1. Which children or groups of children should be subject to orders for involuntary services;

2. Which services or types of services will be available on an involuntary basis;

3. What process or procedures are appropriate to prevent a child from fleeing from a treatment facility and to retrieve a child who does flee;

4. What legal procedure should be followed to obtain an order for involuntary services in appropriate cases while guaranteeing due process of law and preventing abuse of the involuntary services process; and

5. What the consequences for failing to obey an order for involuntary services should be.

Sec. 9. Study. The Maine Commission for Youth and Families shall conduct a study to evaluate the efficacy of the youth and family service system in Maine. The commission shall employ a consultant to perform the study at the direction of the commission. The study shall focus on current efforts to coordinate the provision of youth and family services by the Department of Corrections, the Department of Educational and Cultural Services, the Department of Human Services and the Department of Mental Health and Mental Retardation. The commission shall investigate the experience of other states with a centralized coordination system and determine if a such a system, or any other system, would be advantageous in Maine. The commission shall submit its report, with any recommended legislation, to the First Regular Session of the 115th Legislature.

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

	1989-90	1990-91
MAINE COMMISSION FOR YOUTH AND FAMILIES		
Maine Commission for Youth and Families		
Positions	(2)	(2)
Personal Services	\$43,448	\$60,418
All Other	11,479	16,141
Capital Expenditures	1,915	

1 TOTAL \$56,842 \$76,559

3 Provides funds for an
5 Executive Director and a
7 Clerk Typist II, general
operating expenses,
9 commission member expenses
and office equipment to
operate the commission.

11 **Maine Commission for Youth
13 and Families**

15 All Other \$30,000

17 Provides funds to permit the
commission to contract with a
19 consultant to conduct a study
to evaluate the efficacy of
21 the youth and family service
system in Maine.

23 **MAINE COMMISSION FOR YOUTH
25 AND FAMILIES**
27 **TOTAL** \$86,842 \$76,559

29 **HUMAN SERVICES, DEPARTMENT OF**

31 **Alcoholism and Drug Abuse
Prevention - Human Services**

33 All Other \$1,455,375 \$3,415,100

35 Provides funding in the
following amounts for the
37 indicated purposes:
Outpatient Services -
39 Substance Abuse, funds for
services, including
41 treatment, screening,
diagnosis, evaluation,
43 follow-up and case
consultation, \$422,000 in
45 fiscal year 1989-90 and
\$799,050 in fiscal year
47 1990-91.

49 Aftercare - Substance Abuse
Rehabilitation, funds for
51 follow-up for reintegration
into home or community,
53 \$422,000 in fiscal year

1 1989-90 and \$799,050 in
fiscal year 1990-91.

3
5 Day Treatment - Substance
Abuse, funds for services, to
7 children with moderate to
severe substance abuse
9 problems and services may be
provided in conjunction with
11 a residential treatment
program or a single,
13 multi-district school
program, \$219,000 in fiscal
15 year 1989-90 and \$782,250 in
fiscal year 1990-91.

17 Short-term Residential Drug
Treatment, funds for
19 residential facilities which
provide 24-hour residential,
21 educational and treatment
services, \$392,375 in fiscal
23 year 1989-90 and \$588,562 in
fiscal year 1990-91; in
25 addition, \$196,188 is
provided in fiscal year
27 1990-91 for phase 3 of this
component.

29
31 Intermediate Care Facility -
Drug Treatment, funds for
phase 3 of this component,
33 \$250,000 in fiscal year
1990-91.

35 **Child Welfare Services**

37	Positions	(3)	(3)
39	Personal Services	\$80,600	\$88,050
	All Other	17,600	11,950
41	Capital Expenditures	1,800	
43	TOTAL	<u>\$100,000</u>	<u>\$100,000</u>

45 Provides funds for 3 Human
47 Services Caseworkers and
related expenses for child
49 protective program
augmentation.

51	DEPARTMENT OF HUMAN SERVICES		
	TOTAL	<u>\$1,555,375</u>	<u>\$3,515,100</u>

1 MENTAL HEALTH AND MENTAL
3 RETARDATION, DEPARTMENT OF

5 **Mental Health Services - Children**

7	Positions	(11)	(11)
	Personal Services	\$278,500	\$304,800
9	All Other	1,113,900	1,114,200
	Capital Expenditures	9,600	
11			
	TOTAL	<u>\$1,402,000</u>	<u>\$1,419,000</u>

13 Provides funds for 7 Mental
15 Health Program Coordinators
17 and 4 Clerk Typist II
19 positions, related expenses
21 and funds to contract for
23 preventive services for
25 children in need of
supervision and their
families. Staff will oversee
the planning, administration,
coordination, delivery and
evaluation of services.

27 **Mental Health Services - Children**

29	Positions	(1.5)	(1.5)
	Personal Services	\$38,875	\$44,100
31	All Other	159,525	155,900
	Capital Expenditures	1,600	
33			
	TOTAL	<u>\$200,000</u>	<u>\$200,000</u>

35 Provides funds for one
37 Planning and Research
39 Associate II and a part-time
41 Clerk Typist II to gather and
43 systematize client records,
45 coordinate state level
47 activities with regional
activities and implement a
client tracking system to
monitor progress of children
referred to the Central
Placement Review Committee.
The amount of \$150,000 in
each fiscal year is provided
to implement programs,
51 particularly for children who
are not state wards.

1 Family Support Services,
these services include direct
3 emotional support, referral
to and promotion of parent
5 self-help groups and
provision or referral to
7 skills training. These
services may include the
9 direct provision of
therapeutic aids, helpers,
11 companions or family
extenders, \$168,000 in fiscal
13 year 1989-90 and \$952,000 in
fiscal year 1990-91, also
15 includes mental health
aftercare.

17
19 Home-based Service Teams,
funds for home-based family
services including evaluation
21 and assessment, counseling
and consultation, as well as
23 direct emotional support,
parenting training and
25 advocacy, \$91,500 in fiscal
year 1989-90 and \$427,000 in
27 fiscal year 1990-91.

29 The services and funding
reflected in fiscal year
31 1989-90 reflect services in 3
regions representing the
33 first phase of the program,
fiscal year 1990-91
35 represents the 2nd phase with
services to be provided in 7
37 regions.

39 **Mental Health Services - Children**

41 All Other \$2,509,000 \$3,380,000

43 Provides funding in the
following amounts for the
45 indicated purposes: a
24-hour Hotline - provides
47 the funds for a 24-hour
hotline in 2 locations in the
49 State for parents and
children to access services
51 at any time of the day,
\$400,000 in fiscal year

1 1989-90 and \$400,000 in
3 fiscal year 1990-91.

5 Day Treatment - provides
7 funds for day treatment
9 services for children with
11 moderate to severe emotional
13 problems. This service may
15 be provided in conjunction
with a residential treatment
program or a single,
multi-district school
program, \$225,000 in fiscal
year 1989-90 and \$375,000 in
fiscal year 1990-91.

17 Emergency Shelter - provides
19 funds for an emergency
shelter for 10 children,
\$250,000 in fiscal year
21 1989-90, and the start-up
costs and 6 months' operation
23 and \$325,000 in fiscal year
1990-91 for 12 months of
25 operation.

27 Homeless Shelter - provides
29 funds for a homeless shelter
for 10 children, \$200,000 in
fiscal year 1989-90, and for
31 start-up cost and 6 months of
operation and \$250,000 in
33 fiscal year 1990-91 provides
for 12 months of operation.

35 Semi-independent Living
37 Program - provides funds for
semi-independent living for
39 10 children, \$250,000 in
fiscal year 1989-90, and for
41 start-up costs and 6 months
of operation and \$300,000 in
43 fiscal year 1990-91 provides
for 12 months of operation.

45 Therapeutic Foster and Group
47 Homes - provides funds for 12
beds, \$216,000 in fiscal year
49 1989-90 and for start-up
costs and 6 months of
51 operation and \$360,000 in

1 fiscal year 1990-91, provides
for 12 months of operation.

3
5 Aftercare - provides funds
for aftercare services to be
7 delivered by a treatment
facility. Fiscal year
9 1989-90 funds include
\$110,000 for post-residential
11 treatment; post hospital
aftercare \$264,000 for 12
13 residential beds and \$454,000
for a released home. Fiscal
15 year 1990-91 funds include
\$120,000 for post-residential
17 treatment; hospital aftercare
\$440,000 for 20 residential
19 beds and \$50,000 for released
home.

21 Residential Treatment
23 Services - provides funds for
10 beds in residential
25 treatment facilities to
provide 24-hour, residential,
educational and treatment
27 services, \$100,000 for
start-up in fiscal year
29 1989-90 and \$360,000 in
fiscal year 1990-91.

31
33 Secure Treatment Facility -
provides funds for 6 beds,
\$450,000 in fiscal year
35 1989-90, provides for
start-up costs and operating
37 costs and fiscal year 1990-91
provides \$400,000 for
39 operating costs.

41	DEPARTMENT OF MENTAL HEALTH		
43	AND MENTAL RETARDATION		
	TOTAL	<u>\$4,676,750</u>	<u>\$7,271,250</u>
45	TOTAL APPROPRIATIONS	<u>\$6,318,967</u>	<u>\$10,862,909</u>

47

49 **STATEMENT OF FACT**

51 This bill implements the recommendations made by the
Commission on Children in Need of Supervision and Treatment. The

1 report of that commission describes in detail the commission's
2 findings and recommendations. This bill contains the following
3 recommended changes to Maine law.

5 1. The bill creates the Maine Commission for Youth and
6 Families, modeled upon existing advocacy commissions in State
7 Government, to provide a centralized office to serve inquiries
8 regarding state-provided child and family services, to assist in
9 developing and evaluating state policy toward children and
10 families and to serve as an advocate for children and families
11 within State Government.

13 2. The bill provides authority and funding to the Bureau of
14 Children with Special Needs to implement a broad spectrum of
15 services for children in need of supervision. These needed
16 services will ensure that appropriate treatment services are
17 available to children in need of supervision and that no gaps
18 exist in the services. Under the bill, services will be
19 delivered by the State and through contract with private service
20 providers on a regional basis to ensure adequate coverage of the
21 entire State.

23 3. Finally, the bill calls for 2 further studies to be
24 conducted by the Department of Human Services, in conjunction with
25 the Committee for the Interdepartmental Coordination of Services
26 to Children and Families, and the Maine Commission for Youth and
27 Families established under this bill. The first study requires
28 legislation to be developed and introduced to the Second Regular
29 Session of the 114th Legislature describing a potential system to
30 provide involuntary treatment services for children who refuse
31 services on a voluntary basis. The 2nd study will be conducted
32 by the Maine Commission for Youth and Families and directs the
33 commission to evaluate the efficacy of the current youth and
34 family service system in Maine. The commission will employ a
35 consultant to perform the study at the direction of the
36 commission. In particular, the study will focus on efforts to
37 coordinate the provision of youth and family services by the
38 various departments of State Government. The commission shall
39 submit its report, with any recommended legislation, to the First
40 Regular Session of the 115th Legislature.
41