

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

## SECOND REGULAR SESSION - 1990

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Legislative Document

No. 2227

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H.P. 1611

House of Representatives, January 25, 1990

Submitted by the Department of Human Services pursuant to Joint Rule 24.  
Reference to the Committee on Human Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative PENDLETON of Scarborough.

Cosponsored by Senator COLLINS of Aroostook, Senator GAUVREAU of  
Androscoggin and Representative DiPIETRO of South Portland.

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STATE OF MAINE

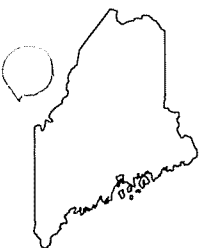
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY

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An Act to Amend the Child and Family Services and Child Protection  
Act.

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

2  
3       **Sec. 1. 22 MRSA §4010-A, sub-§1**, as enacted by PL 1989, c.  
4 223, is amended to read:

6       **1. Policy development.** Every public or private agency or  
7 program that is administered, licensed or funded by the  
8 Department of Human Services and the Department of Mental  
9 Health and Mental Retardation or the Department of Corrections  
10 and hires staff or selects volunteers and provides care or  
11 services for children shall develop a written policy regarding  
12 child abuse and neglect.

14       The policy shall include:

16       A. A description of how the program and children shall be  
17 managed to prevent abuse or neglect;

18       B. The reporting of suspected abuse or neglect or other  
19 violations to the appropriate designated authorities;

22       C. The agency's course of action if allegations of abuse or  
23 neglect are made against the agency or its staff; and

24       D. The agency's grievance procedures for staff, and for  
25 children and their parents or guardians regarding alleged  
26 abuse or neglect.

28       **Sec. 2. 22 MRSA §4011, sub-§1**, as amended by PL 1989, c. 270,  
30 §6, is further amended to read:

32       **1. Reasonable cause to suspect.** When, while acting in a  
33 professional capacity, an adult who is a medical or osteopathic  
34 physician, resident, intern, emergency medical services person,  
35 medical examiner, physician's assistant, dentist, dental  
36 hygienist, dental assistant, chiropractor, podiatrist, registered  
37 or licensed practical nurse, teacher, guidance counselor, school  
38 official, social worker, court appointed special advocate or  
39 guardian ad litem for the child, homemaker, home health aide,  
40 medical or social service worker, psychologist, child care  
41 personnel, mental health professional, law enforcement official,  
42 state fire inspector, municipal code enforcement official or  
43 municipal fire inspector or chair of a professional licensing  
44 board knows or has reasonable cause to suspect that a child has  
45 been or is likely to be abused or neglected, that person shall  
46 immediately report or cause a report to be made to the department.

48       A. Whenever a person is required to report in a capacity as  
49 a member of the staff of a medical or public or private  
50 institution, agency or facility, that person shall  
51 immediately notify either the person in charge of the  
52 institution, agency or facility, or a designated agent, who

2 shall then cause a report to be made. The staff may also  
make a report directly to the department.

4 B. Any person may make a report if that person knows or has  
reasonable cause to suspect that a child has been or is  
6 likely to be abused or neglected.

8 D. When, while acting in a professional capacity, any  
person required to report under this section knows or has  
10 reasonable cause to suspect that a child has been abused or  
neglected by a person not responsible for the child, the  
12 person shall immediately report or cause a report to be made  
to the appropriate district attorney's office.

14 **Sec. 3. 22 MRSA §4023, sub-§4, ¶A,** as amended by PL 1989, c.  
16 270, §9, is further amended to read:

18 A. Prior to or on initiating short-term emergency services,  
the department or agency shall take reasonable steps to  
20 notify a custodian that the child will receive or is  
receiving the services. Notwithstanding this subsection,  
22 ~~until October 1, 1990,~~ shelters for homeless children, as  
defined in section 8101, subsection 4-A, are governed by the  
24 parental notification requirements contained in the  
Department of Human Services rules for the licensure of  
26 shelters for homeless children.

28 **Sec. 4. 22 MRSA §4023, sub-§5,** as amended by PL 1989, c. 270,  
§10, is further amended to read:

30 **5. Time limit.** Short-term emergency services shall not  
32 exceed 72 hours from the time of the department's assumption of  
responsibility for the child. Notwithstanding this subsection,  
34 ~~until October 1, 1990,~~ shelters for homeless children, as defined  
in section 8101, subsection 4-A, are governed by the time-limit  
36 requirements contained in the Department of Human Services rules  
for the licensure of shelters for homeless children.

38 **Sec. 5. 22 MRSA §4033, sub-§3, ¶B,** as enacted by PL 1979, c.  
40 733, §18, is amended to read:

42 B. Service in accordance with the ~~District Court~~ Maine  
Rules of Civil Rules Procedure. Notwithstanding the Maine  
44 Rules of Civil Rules Procedure, service by publication of a  
preliminary protection order ~~shall be complete 5 days after~~  
46 ~~a single publication~~ is not required for a party whose  
whereabouts are unknown; or

50

## STATEMENT OF FACT

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4 Section 1 of this bill adds agencies or programs  
6 administered or funded by the Department of Human Services, the  
8 Department of Mental Health and Mental Retardation and the  
Department of Corrections to the list of agencies required to  
develop policies regarding child abuse and neglect.

8

10 Section 2 of the bill adds chairs of professional licensing  
12 boards to the list of mandated reporters responsible for  
14 reporting confidential information regarding suspected child  
abuse or neglect to the Department of Human Services, Protective  
Services for Children.

14

16 Sections 3 and 4 of the bill delete the October 1, 1990  
18 sunset clause from the limited exemption for notice to parents  
20 about shelter care for homeless children. This ensures that  
under certain conditions shelters for "street kids" can continue  
to delay notice of shelter care to guardians.

20

22 Section 5 of the bill deletes the requirement of service by  
24 publication for a hearing on a preliminary protection order when  
26 a party's whereabouts are unknown. Since the enactment of this  
28 law 10 years ago, the appearance of a person served in this  
manner has been extremely rare. Continuances because of the  
publication complications have frequently deprived custodial  
parents of a prompt hearing. Service by publication would still  
be required for any absent party prior to any hearing on the  
basic petition for a child protection order.