

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2369

H.P. 1716

House of Representatives, February 27, 1990

Reference to the Committee on State and Local Government suggested and ordered printed.

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

EDWIN H. PERT, Clerk

Presented by Representative FOSS of Yarmouth.

Cosponsored by Senator GILL of Cumberland, Senator BERUBE of Androscoggin and Representative GARLAND of Bangor.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Promote Effective Services Delivery to Children and Youth.



2 **§5101. Definitions**

4 As used in this chapter, unless the context otherwise
6 indicates, the following terms have the following meanings.

8 **1. Advisory committee.** "Advisory committee" means the
8 Advisory Committee on Children.

10 **2. Director.** "Director" means the Director of the Office
12 of Children.

14 **3. Interdepartmental committee.** "Interdepartmental
14 committee" means the Committee for the Interdepartmental
16 Coordination of Services to Children and Families as established
16 in Title 34-B, section 1214.

18 **4. Office.** "Office" means the Office of Children.

20 **§5102. Office established**

22 The Office of Children is established within the Executive
24 Department to ensure a coherent policy for children and youth
26 services and close coordination of a services delivery system for
28 children and youth that responds in a timely and effective manner
28 to the needs and problems of the State's children and youth. The
28 Office of Children is directly responsible to the Governor.

30 **§5103. Duties**

32 The duties of the office are as follows:

34 **1. State Government.** Advise the Governor and carry out
36 overall planning, policy development, objective setting and
36 prioritization functions necessary to implement policy approved
36 by the Governor;

38 **2. Develop master plan.** Work closely with the
40 interdepartmental committee to develop a master plan, as provided
42 in this chapter, for a comprehensive and integrated statewide
42 program of services, including preventive services, for the
42 State's children and youth;

44 **3. Budget.** Advise the Governor by developing
46 recommendations, after consultation with the interdepartmental
48 committee, for continuing and supplemental allocations for
48 children and youth services;

50 **4. Relationship to departments.** The office and the
52 Department of Corrections, the Department of Educational and
52 Cultural Services, the Department of Human Services, the
52 Department of Mental Health and Mental Retardation, the Executive

2 Department, Division of Community Services, the interdepartmental
3 committee, and other departments offering services for children,
4 youth and families, shall work closely to develop proposals and
5 identify needs and resources under this chapter;

6 5. Identify programs and services. Identify programs and
7 services of state agencies and the private sector designed in
8 whole or in part to help children and youth;

10 6. Identify needs and problems. Identify, in conjunction
11 with the interdepartmental committee, the needs and problems of
12 the State's children and youth to determine the programs or
13 services necessary to meet these needs and problems;

14 7. Propose alternative programs and services. Propose
15 alternative programs and services, including the combination of
16 existing programs and services, cooperative programs with the
17 private sector and any other alternatives considered feasible
18 based upon documented need; and

19 8. Administrative structure. Work with the interdepart-
20 mental committee to strengthen the state administrative structure
21 necessary for effective delivery of services, and propose, where
22 necessary, alternative administrative organizations.

24 **§5104. Director of Office of Children**

26 1. Appointment. The Governor shall appoint a full-time
27 Director of the Office of Children. The director shall serve at
28 the will of the Governor and until the director's successor is
29 appointed and qualified. The director is entitled to a salary in
30 accordance with Title 2, section 6, subsection 3.

31 2. Qualifications. The director must be qualified by
32 experience and interest in services and programs for children and
33 youth and by experience in public administration, including
34 public policy analysis and development, public financial and
35 program matters, and legislative and executive branch relations.

36 **§5105. Powers and duties of director**

37 The director has the following powers and duties.

38 1. Powers. The director shall:

39 A. Communicate the Governor's policy for children and youth
40 to the departments providing services to this population and
41 to the interdepartmental committee and assist in
42 implementing that policy;

43 B. Advise the Governor regarding the services delivery
44 system for children and youth, including services

2 coordinated through the interdepartmental committee, and
3 make recommendations as necessary to ensure a responsive
4 system;

6 C. Advocate for the needs of children and youth;

8 D. Represent the Governor when issues arise relating to
9 children and youth;

10 E. Conduct, in conjunction with the interdepartmental
11 committee, studies of other types of programs and services
12 that may have an impact on services for children and youth;
13 and

14 F. Accept money from any source to implement this chapter.
15 Any money that the office receives must be accounted for in
16 accordance with the requirements of the Department of
17 Finance.

18
19 2. Duties. The director shall, with the approval of the
20 Governor:

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22
23 A. Serve as an ex officio member of the interdepartmental
24 committee;

25
26 B. Ensure, in conjunction with the interdepartmental
27 committee, the development of a master plan for a
28 comprehensive, integrated statewide services delivery system
29 for children and youth as provided in this chapter. The
30 master plan must be completed by October 1, 1992;

31
32 C. Direct and oversee the review and evaluation of programs
33 of state agencies for children and youth with respect to the
34 following:

35 (1) The purpose of these programs and the degree to
36 which the purpose is being met;

37
38 (2) The significance of the programs and functions of
39 the several state agencies;

40
41 (3) The coordination of programs and services;

42
43 (4) The needs, problems and opportunities not being
44 met by the programs and services of the several
45 agencies;

46
47 (5) The types of programs and services necessary to
48 meet the needs, problems and opportunities in
49 subparagraph (4);
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2 (6) The problems and successes in the services for
3 children and youth; and

4 (7) Any breakdowns or failures in the services
5 delivery system for children and youth including
6 problems encountered by schools, the public and other
7 organizations dealing with the services delivery system;

8
9 D. Solicit input from the advisory committee concerning the
10 programs and services for children and youth, including
11 proposed programs and services, and the development of the
12 master plan;

13
14 E. Educate and inform the public of the coordination and
15 accomplishments of the State's services for children and
16 youth; and

17 F. Beginning in 1992 and biennially thereafter, submit a
18 report to the Governor and the joint standing committee of
19 the Legislature having jurisdiction over education matters,
20 the joint standing committee of the Legislature having
21 jurisdiction over human resource matters and the joint
22 select committee of the Legislature having jurisdiction over
23 corrections matters, no later than the first Friday
24 following the first Tuesday in January.

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26 **§5106. Master plan**

27 A master plan must be developed for a comprehensive and
28 integrated statewide program of services, including preventive
29 services, for the State's children and youth.

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31 1. Master plan. The master plan must address the following:

32 A. Policy changes necessary to improve, organize and offer
33 developmental, health, mental, social and correctional
34 services; and

35 B. Subject matters related to family functioning,
36 including, but not limited to, adult abuse and neglect,
37 infant mental health, low aspirations, child abuse and
38 neglect, family problems, family violence, juvenile
39 delinquency, mental illness, mental retardation, poverty,
40 substance abuse, teen pregnancy and teen suicide.

41 2. Master plan policy. The master plan must reflect the
42 policy that families are and should continue to be the preferred
43 environment for raising children and caring for vulnerable family
44 members, while at the same time maintaining the priority of
45 protection of children when families are unable or unwilling to
46 provide needed protection.

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2 3. Master plan goals. The master plan must advance the
3 following goals:

4 A. To maintain family and children as a functioning social
5 unit, provide services to mitigate the effects of family
6 dysfunction or family dissolution, empower families and
7 children to function independently and protect each member
8 from harm or violence;

10 B. To improve coordination, integration and efficiency of
11 certain administrative and service activities;

12 C. To empower families to provide the care and protection
13 needed by their children;

14 D. To provide services in the least restrictive and most
15 appropriate setting;

16 E. To ensure that an appropriate array of programs and
17 services is available to prepare the youth of today to
18 become the healthy, contributing adults of tomorrow;

19 F. To provide services, whenever possible, in close
20 proximity to a child's community and family; and

21 G. To provide humane, secure and therapeutic confinement to
22 those youths who have demonstrated that they represent a
23 danger to themselves or others.

24 4. Master plan provisions. The master plan must provide
25 for:

26 A. Maintaining or improving equitable geographical
27 accessibility to service based on the types of services
28 required by families and children; and

29 B. Developing administrative procedures to provide to
30 individuals information and referral, awareness, education,
31 early identification, assessment, diagnosis, crisis
32 intervention, stabilization, residential, transition to
33 independence, communication integration and evaluation of
34 service effectiveness.

35 5. Master plan; proposal. The master plan must propose
36 alternatives that are appropriate for a service delivery system
37 that would be more responsive to the needs of children and
38 families. The proposals must be aimed at achieving a strong
39 administrative structure at the state level that is closely
40 integrated with a case review structure at the local level with
41 access to a continuum of care.

42 6. Master plan; inclusion. The master plan must include:

2 A. A description of the type and scope of services
4 currently provided to the State's children and youth;

6 B. A forecast of the type and scope of services that the
8 State's children and youth will require over the 3 years
following the effective date of this section and in the long
term;

10 C. Identification of a single point of access to the system
12 for children and families in need;

14 D. Identification of incremental steps necessary to
16 implement a community-based case management system that is
18 connected to an administrative structure at the state level
and has the flexibility and resources required to implement
plans of care based on the needs of the individual child;

20 E. A special focus on multi-problem children who:

22 (1) Are seriously emotionally disturbed;

24 (2) Have been physically and sexually abused;

26 (3) Have been identified as juvenile offenders,
including sex offenders;

28 (4) Are runaways or homeless; or

30 (5) Live in families which are experiencing a crisis;

32 F. A plan for the ongoing evaluation of the system of care;
34 and

36 G. A strategy for advocating positive changes in the
service delivery system for children and youth.

38 7. Master plan; consideration. In preparing the master
40 plan, the following matters must be considered:

42 A. Ages of children and family members;

44 B. A single point of referral into the system;

46 C. Equal access to the system;

48 D. A family-focused, child-centered approach;

50 E. Case management at the local level;

52 F. Availability of funds for purchase of services
responsive to individual needs;

- 2 G. Evaluation and ongoing needs assessment;
- 4 H. Conflict resolution in complex multi-agency cases; and
- 6 I. Improvements in interagency case management resolution.

8 **§5107. Advisory Committee on Children**

10 The Advisory Committee on Children, established in section
12 12004-I, subsection 2-A, shall advise the director on the
14 development of a services delivery system for children and youth.

16 1. Membership; appointments. The advisory committee
18 consists of the following members:

- 20 A. The Child Welfare Services Ombudsman;
- 22 B. The chair or designee of the Interdepartmental
24 Coordinating Committee for Preschool Handicapped Children;
- 26 C. A maximum of 12 members, each one of whom must be a
28 chair or designee of an existing advisory committee on
30 children's issues. If there are more than 12 committees,
32 the Governor shall determine which committees will be
34 represented; and
- 36 D. Two members of the public, to be appointed by the
38 Governor.

40 **Sec. 3. 5 MRSA §12004-I, sub-§2-A is enacted to read:**

42 2-A. Children Advisory Expenses 5 MRSA
44 Committee Only §5107
46 on Chil-
 dren

48 **Sec. 4. 34-B MRSA §1214, sub-§3, as repealed and replaced by**
50 **PL 1989, c. 502, Pt. B, §44, is amended to read:**

52 3. Membership. The committee shall be composed of 4 5
54 members: The the Commissioner of Corrections; Commissioner of
56 Educational and Cultural Services; Commissioner of Human
58 Services; and Commissioner of Mental Health and Mental
60 Retardation; and the Director of the Office of Children.

STATEMENT OF FACT

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The purpose of this bill is to establish a single locus within State Government with responsibility for recommending policy, planning and evaluating all of the State's children's services.

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This bill creates the Office of Children within the Executive Department to advise the Governor and to assist in implementing the Governor's policy on children and youth. The office will ensure that a master plan is developed for a comprehensive, integrated statewide services delivery system for children and youth.

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The Director of the Office of Children shall serve as a member of the Committee for the Interdepartmental Coordination of Services to Children and Families established in the Maine Revised Statutes, Title 34-B, section 1214. The office and the committee will work closely in the development of the master plan, which shall include a special focus on multi-problem children who require services of more than one department.

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This bill creates the Advisory Committee on Children which will assist the Director of the Office of Children in the development of the master plan. The advisory committee will provide advice to the director and may present proposals for consideration by the director and the interdepartmental committee.