

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 360

S.P. 148

In Senate, February 5, 1991

Reference to the Committee on Human Resources suggested and ordered printed.

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

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BUSTIN of Kennebec

Cosponsored by Representative KETOVER of Portland, Representative ERWIN of Rumford
and Representative TREAT of Gardiner.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

**An Act to Provide Advocacy for Children Involved with Abuse
Investigations.**



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

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Sec. 1. 22 MRSA §4004-A is enacted to read:

§4004-A. Child advocates

1. Advocate required. The department shall appoint an advocate for each child who is the subject of an investigation under this chapter. The advocate must be appointed and consulted prior to the department's contact with the child, unless the department finds that it must act immediately to remove a child from jeopardy, in which case the advocate must be appointed as soon as the child has been removed from jeopardy. The advocate must serve until the investigation is closed or until a guardian ad litem is appointed under section 4005.

2. Role of advocate. The advocate shall view the actions of the department from the point of view of the child and shall ensure that the investigation is conducted in a manner that serves the best interests of the child and minimizes the child's trauma. The advocate shall identify and recommend the timely provision of support services for the child. Except as provided in subsection 1, the department shall obtain the advocate's approval prior to making any contact with the child.

3. Qualifications; compensation. The department may recruit volunteers or may hire individuals on a contract basis to serve as advocates. Advocates must be familiar with child welfare services in the State. Persons who are otherwise employed by the department may not be advocates under this section.

Sec. 2. 22 MRSA §4008, sub-§3, ¶A-1 is enacted to read:

A-1. A child's advocate appointed under section 4004-A;

Sec. 3. 22 MRSA §4021, sub-§3, ¶D is enacted to read:

D. The department shall obtain prior approval from the child's advocate in accordance with section 4004-A.

STATEMENT OF FACT

This bill requires the Department of Human Services to appoint an advocate for each child who is the subject of an abuse or neglect investigation. The advocate would serve the best interests of the child and ensure that trauma to the child is minimized.