

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1992

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Legislative Document

No. 2297

H.P. 1633

House of Representatives, February 4, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.  
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 RYDELL of Brunswick.  
Cosponsored by Representative GWADOSKY of Fairfield.

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STATE OF MAINE

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

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**Resolve, to Ensure Protection and Family Support for Maine's Children.**

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(EMERGENCY)



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

4  
6           Whereas, the State's child protective services system is  
only able to respond to 25% of the referred cases and does not  
have adequate resources to offer to those children that do come  
8 into the State's custody; and

10           Whereas, it is essential for the State to make maximum use  
of federal resources available to support children in need of  
12 protection; and

14           Whereas, it is critical to the health and safety of our  
children to conduct a comprehensive review of the State's child  
16 protective services system and to recommend necessary changes; and

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

24           **Sec. 1. Development of comprehensive plan. Resolved:** That the  
Department of Human Services shall develop a comprehensive plan  
26 for protective and family support services for children. In  
developing this plan, the department shall:

28           1. Identify all state, local, public and private agencies  
involved in the provision of services to children who are abused  
30 or neglected;

32           2. Determine the extent to which these agencies are  
34 currently supported by state and federal dollars and how support  
might be increased for those services currently provided;

36           3. Review the protective case loads of the Department of  
38 Human Services to determine the extent to which protective  
services has become a quasi-police function that could be  
40 delegated to law enforcement agencies;

42           4. Identify how case management resources might be utilized  
to focus on family support for protective families as opposed to  
44 legal intervention;

46           5. Determine how local communities and agencies might  
become more involved in planning and resource allocation and  
48 development and how the State's role in planning, resource  
development and technical assistance may be increased to support  
50 local communities;

2 6. Determine what, if any, statutory, regulatory or policy  
4 changes are necessary to allow or support an increased role for  
local communities and contracted service agencies in the  
provision of protective services; and

6 7. Determine what, if any, statutory changes are necessary  
8 to allow or support maximization of federal funding sources for  
10 local expenditures, as well as technical, regulatory or  
12 procedural changes in the Department of Human Services that may  
be necessary to maximize the use of federal resources in support  
of local programs and services; and be it further

14 **Sec. 2. Establishment of task force; consultation. Resolved:** That  
the Department of Human Services, in developing this  
16 comprehensive plan, shall establish and consult with a task force  
consisting of other appropriate state agencies, local provider  
18 agencies involved with children in need of protection and other  
appropriate groups including but not limited to:

- 20 1. Maine Sheriff's Association;
- 22 2. Maine Chiefs of Police Association;
- 24 3. Maine State Nurses Association;
- 26 4. Maine Pediatric Surgical Association;
- 28 5. Maine Superintendents Association;
- 30 6. Maine Municipal Association;
- 32 7. Child abuse and neglect councils;
- 34 8. Maine mental health associations;
- 36 9. Parents associations;
- 38 10. Associations of principals and special education  
40 directors;
- 42 11. Human service provider associations involved with  
children and families; and
- 44 12. Low-income organizations; and be it further

46 **Sec. 3. Coordination with Medicaid Plan for Children and Families.**  
**Resolved:** That the Department of Human Services shall coordinate  
48 the development of this comprehensive plan with the  
implementation of the Medicaid Plan for Children and Families  
50 developed pursuant to Resolve 1989, chapter 103. In so doing,  
the Department of Human Services shall:  
52

1. Determine the implications of the Medicaid Plan for Children and Families for increasing support of other state, local, public and private agencies in the provision of protective services;

2. Identify local dollars that may be available for match under any appropriate federal source; and

3. Identify any state, local or private resources to assist in the maximization of available federal resources; and be it further

**Sec. 4. Staffing; funding. Resolved:** That the Department of Human Services shall provide staff within its existing resources to develop the comprehensive plan. The department may also request staff support from the Interdepartmental Council and local child abuse and neglect councils and must seek federal matching funds for existing expenditures for child abuse and neglect councils; and be it further

**Sec. 5. Report. Resolved:** That the Department of Human Services shall report every 3 months to the Joint Standing Committee on Education, the Joint Standing Committee on Human Resources, the Joint Standing Committee on State and Local Government and the Joint Standing Committee on Appropriations and Financial Affairs. A work plan and schedule setting forth goals and objectives must be developed within 30 days of the effective date of this Act.

The department shall submit a final report to the First Regular Session of the 116th Legislature no later than January 15, 1993. The report must outline all of the department's findings and include any necessary implementing legislation. The department shall implement the recommended changes prior to the final report, if possible, and shall defer only those changes that require legislative approval, statutory changes or funding.

**Emergency clause.** In view of the emergency cited in the preamble, this resolve takes effect when approved.

#### STATEMENT OF FACT

This resolve requires the Department of Human Services to develop a comprehensive plan for protective and family support services for children.