

# MAINE STATE LEGISLATURE

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HUMAN RESOURCES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1377, L.D. 1864, Bill, "An Act to Enable Parents to Retain Custody in Voluntary Placements"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

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

§4004-A. Voluntary agreements

1. Agreement authorized. If the following conditions are met, the department and a custodian may enter into a mutual agreement in which the custodian retains custody of the child and the department agrees to provide services to the child.

A. The department finds that staying in the custodian's home would be detrimental to the welfare of the child.

B. The department finds that, absent a mutual agreement, the child is at risk of entering the child protection system or the juvenile justice system.

2. Agreement requirements. An agreement entered into pursuant to subsection 1 must meet the following requirements.

A. The agreement may not exceed 180 days unless, within the 180 days, the District Court has found that returning to the custodian's home would be detrimental to the welfare of the child. If the court has made that determination, the

COMMITTEE AMENDMENT

2 agreement may continue but must be reviewed by the court no  
3 more than 18 months after commencement of the agreement and  
4 at least every 2 years following the 18-month review.

6 B. The agreement must specify the legal status of the child  
7 and the rights and obligations of the custodian, the child,  
8 the department and any other parties to the agreement.

10 C. If the custodian is able to contribute resources to the  
11 care of the child, that contribution must be specified in  
12 the agreement. Resources include, but are not limited to,  
13 insurance coverage and disposable income.

14 D. The agreement must be approved by the commissioner or  
15 the commissioner's designee.

16 3. Additional parties. The Department of Corrections, the  
17 Department of Mental Health and Mental Retardation, the  
18 Department of Education, the Office of Substance Abuse and any  
19 other appropriate state agency may be additional parties to the  
20 agreement.

22 4. Section 4022 not affected. This section does not apply  
23 to agreements entered into under section 4022.

26 5. Rules. The department may adopt rules to implement this  
27 section.'

28 Further amend the bill by inserting at the end before the  
30 statement of fact the following:

32 **FISCAL NOTE**

34 The Department of Human Services will incur additional costs  
35 if the department elects to enter into a voluntary agreement with  
36 certain families. The annual cost per child could be in excess  
37 of \$40,000. The total additional cost to the General Fund will  
38 depend on the number of agreements the department elects to enter  
39 into, the length of the agreements, the amount of federal funds  
40 available and the amount the child's custodian is able to  
41 contribute to the cost of this care. The department may also  
42 require additional staff to handle the increased case load if the  
43 number of agreements is substantial.'

46 **STATEMENT OF FACT**

48 This amendment replaces the original bill. The original  
50 bill created an entitlement to voluntary services for certain

2 children in need of residential placement. This amendment does  
not create an entitlement but grants the Department of Human  
4 Services discretion to enter into voluntary agreements, allowing  
parents to retain custody, if the department finds that staying  
6 in the home is detrimental to the welfare of the child and the  
child is at risk of entering the child protection or juvenile  
justice system.

8  
Court review is required for voluntary placements that  
10 exceed 180 days. An agreement may not be executed without the  
approval of the Commissioner of Human Services.

12  
14 The amendment also adds a fiscal note to the bill.