

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1135

H.P. 818

House of Representatives, April 4, 1995

**Resolve, Directing the Department of Human Services to Establish an
Oversight Committee to Study Child Protective Services.**

(EMERGENCY)

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

A handwritten signature in cursive script, reading "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative BRENNAN of Portland.

Cosponsored by Representatives: ADAMS of Portland, CAMERON of Rumford, CLOUTIER of South Portland, DAGGETT of Augusta, ETNIER of Harpswell, FITZPATRICK of Durham, JOHNSON of South Portland, JONES of Bar Harbor, MITCHELL of Portland, MORRISON of Bangor, ROWE of Portland, SHIAH of Bowdoinham, TOWNSEND of Portland, TREAT of Gardiner, VOLENIK of Sedgwick, Senators: FAIRCLOTH of Penobscot, McCORMICK of Kennebec, O'DEA of Penobscot, PARADIS of Aroostook, RAND of Cumberland.

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 a small number of the referred cases and
does not have adequate resources to offer to those children that
do come 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
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
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
Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
safety; now, therefore, be it

24 **Sec. 1. Comprehensive review. Resolved:** That the Department
of Human Services shall conduct a comprehensive review of
protective and family support services for children. In
conducting the review, the department shall:

28 1. Review and update the final reports required of the
oversight committee and the Department of Human Services by
Resolve 1991, chapter 72, section 5;

32 2. Identify state, local, public and private resources
available for provision of services to children who are abused or
neglected;

36 3. Identify areas of need in order to make recommendations
to enhance the State's child protective services system;

40 4. Determine the extent to which state and federal dollars
might be increased for those services currently provided or for
added services;

44 5. Review the protective case system of the Department of
Human Services to determine the extent to which protective
services might be further developed through additional community
services activities;

48 6. Determine how local communities and agencies might
become more involved in planning and resource allocation and

development and how the State's role in planning, resource development and technical assistance can be increased to support local communities;

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

8. Determine what, if any, statutory changes are necessary to allow or support maximization of federal funding sources for local expenditures, as well as technical, regulatory or 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

9. Determine whether adequate mechanisms exist to enable families, providers, state employees and citizens to request further action when they believe that the State's child protective services system is not responding appropriately to abuse or neglect; and be it further

Sec. 2. Establishment of oversight committee; consultation.

Resolved: That the Department of Human Services, in conducting this comprehensive review, shall establish and consult with an oversight committee consisting of appropriate state agencies, local provider agencies involved with children in need of protection and other appropriate representatives, including, but not limited to:

1. Chiefs of Police;
2. The Maine State Nurses Association;
3. Pediatricians;
4. Superintendents of school administrative units;
5. The Maine Municipal Association;
6. Child abuse and neglect councils;
7. Mental health centers;
8. Parents;
9. Principals and special education directors;
10. Human services providers involved with children in need of protection;

2 11. Low-income organizations; and

4 12. Other groups and individuals the department finds
appropriate; and be it further

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Sec. 3. Coordination with Medicaid Plan for Children and Families.

8 **Resolved:** That the Department of Human Services shall
coordinate the development of this comprehensive review with the
10 implementation of the Medicaid Plan for Children and Families
developed pursuant to Resolve 1989, chapter 103. In so doing,
12 the department shall:

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

18

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

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

26 **Sec. 4. Staffing; funding. Resolved:** That the Department of
Human Services shall provide support staff and funds for
28 contracted consultant services within its existing resources to
conduct the comprehensive review; and be it further

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Sec. 5. Report. Resolved: That the oversight committee
32 established in section 2 shall submit an interim report to the
Joint Standing Committee on Human Resources and the Joint
34 Standing Committee on Appropriations and Financial Affairs by
November 1, 1995. The oversight committee shall submit a final
36 report to the Joint Standing Committee on Human Resources and
the Joint Standing Committee on Appropriations and Financial
38 Affairs by January 15, 1996.

40 The Department of Human Services shall review the final
report of the oversight committee and develop a comprehensive
42 plan. The department shall submit its plan to the Joint
Standing Committee on Human Resources and the Joint Standing
44 Committee on Appropriations and Financial Affairs by March 15,
1996. The plan must outline the department's response to the
46 findings of the oversight committee and must include any
necessary implementing legislation. The department shall
48 implement recommendations prior to submitting its plan, if
possible, and may defer only those changes that require
50 legislative approval; and be it further

2 **Sec. 6. Access to information. Resolved:** That, notwithstanding
the Maine Revised Statutes, Title 22, section 4008, subsection
4 1, the Department of Human Services may disclose relevant
records that contain personally identifying information and are
6 created in connection with the department's child protective
activities or activities related to a child while in the care or
8 custody of the department to members of the oversight committee
established in section 2. Members of the oversight committee
10 are subject to the provisions of Title 22, section 4008,
subsection 4.

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

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17 **STATEMENT OF FACT**

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19 This resolve requires the Department of Human Services to
20 conduct a comprehensive review of protective and family services
for children and to review and update the reports that were
22 required by similar legislation in 1992.