

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

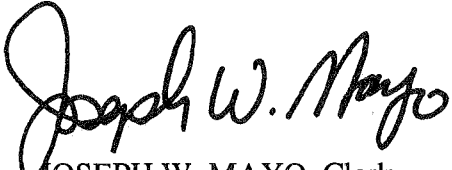
No. 153

H.P. 129

House of Representatives, January 14, 1997

An Act to Provide Social Services to Children in Need of Services and State Supervision.

Reference to the Committee on Health and Human Services suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative BUNKER of Kossuth Township.
Cosponsored by Senator PARADIS of Aroostook and
Representatives: AHEARNE of Madawaska, BAGLEY of Machias, BERRY of Livermore,
GOODWIN of Pembroke, WHEELER of Bridgewater, Senators: CATHCART of Penobscot,
KILKELLY of Lincoln.

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

4 **PART A**

6 **Sec. A-1. 34-B MRSA §6201-A, sub-§1-A is enacted to read:**

8 1-A. Child in need of services. "Child in need of
10 services" means a child under 18 years of age who may benefit
12 from services and who:

14 A. Is a runaway or homeless;

16 B. Has repeatedly exhibited violent or aggressive behavior
18 toward property or family members or other persons;

20 C. Has repeatedly disobeyed reasonable and proper orders of
22 a parent, guardian or other custodian or who is beyond the
24 control of a parent, guardian or other custodian;

26 D. Is truant;

28 E. Is not currently or consistently being served optimally
30 by the system or agency with which the child is involved; or

32 F. Is in a family at risk.

34 **Sec. A-2. 34-B MRSA §6204, sub-§1, ¶B, as enacted by PL 1985,**
36 **c. 503, §12, is amended to read:**

38 B. Facilitate the planning, promoting, coordination,
40 delivery and evaluation of a complete and integrated
42 statewide system of services to children in need of
44 treatment and their families; and

46 **Sec. A-3. 34-B MRSA §6204, sub-§1, ¶C, as amended by PL 1987,**
48 **c. 349, Pt. H, §27, is further amended to read:**

50 C. Support those services appropriate to children in need
of treatment and their families, including, but not
necessarily limited to, the following:

(1) Advocacy;

(2) Assessment and diagnosis;

(3) Child development;

(4) Consultation and education;

- 2 (5) Crisis intervention;
4 (6) Family guidance and counseling;
6 (7) Preventive intervention;
8 (8) Professional consultation and training;
10 (9) Respite care and other family support services; and
12 (10) Treatment; and

14 **Sec. A-4. 34-B MRSA §6204, sub-§1, ¶D** is enacted to read:

16 D. Ensure that a full spectrum of services is available to
18 address the problems of children in need of services.

20 (1) The department shall provide or arrange for the
22 provision of the following services:

24 (a) Administrative services, including the
26 establishment of:

28 (i) Regional service delivery coordination
30 sites;

32 (ii) A central placement review committee;
34 and

36 (iii) A statewide program evaluation
38 component; and

40 (b) Service delivery systems, including:

42 (i) A statewide primary prevention program;

44 (ii) A statewide public education program;

46 (iii) Early intervention;

48 (iv) Peer counseling and support;

50 (v) Information and referral;

(vi) Case management;

(vii) Transportation to necessary services;

(viii) Aftercare;

(ix) Mediation;

- 2 (x) Evaluation and assessment services;
- 4 (xi) Outpatient mental health services;
- 6 (xii) Outpatient substance abuse services;
- 8 (xiii) Family support services;
- 10 (xiv) Home-based service teams;
- 12 (xv) Homeless shelters and emergency
14 shelters;
- 16 (xvi) Semi-independent living programs;
- 18 (xvii) Day treatment;
- 20 (xviii) Therapeutic foster homes;
- 22 (xix) Therapeutic group homes;
- 24 (xx) Residential treatment facilities;
- 26 (xxi) Psychiatric hospital care; and
- 28 (xxii) Secure treatment facilities.

30 (2) The department shall work with other state
32 agencies that have primary responsibility for providing
34 the following services to ensure their availability of
36 those services as part of the full spectrum of services
38 for children in need of services;

- 40 (a) Employment resource services;
- 42 (b) Educational resources;
- 44 (c) Child protective program augmentation; and
- 46 (d) Establishment of a 24-hour hotline providing
48 parents and children access to services.

50 **Sec. A-5. 34-B MRSA §6204, sub-§2**, as amended by PL 1995, c.
52 560, Pt. K, §71, is further amended to read:

54 **2. Powers.** The department may perform the duties described
56 in subsection 1 and may provide services to children in need of
58 treatment and to children in need of services through
60 state-operated facilities and programs or through contracts and

2 grants to public and private agencies. In all cases, the
3 department shall ensure that services are provided in the least
4 restrictive setting consistent with the child's needs,
5 commensurate with the resources available to the department and
6 in coordination with services and resources of other state
7 agencies serving children and families. Emphasis must be placed
8 on maintaining each child in the child's natural home or in an
9 alternative placement within the community whenever possible.

10 **PART B**

11 **Sec. B-1. 22 MRSA c. 1071, sub-c. VIII-A is enacted to read:**

12 **SUBCHAPTER VIII-A**

13 **CHILDREN IN NEED OF STATE SUPERVISION**

14 **§4072. Definitions**

15 As used in this subchapter, unless the context otherwise
16 indicates, the following terms have the following meanings.

17 1. Child. "Child" means any person who is under 18 years of
18 age.

19 2. Child in need of state supervision. "Child in need of
20 state supervision" means a child in need of services, as defined
21 in Title 34-B, section 6201, subsection 1-A, whose conduct
22 creates a threat of serious harm or injury to the child.

23 3. Custodial parent or custodian. "Custodial parent" or
24 "custodian" means a parent or other person with legal custody and
25 power over a child.

26 4. Serious harm. "Serious harm" means:

27 A. Serious injury;

28 B. Serious mental or emotional injury or impairment that
29 now or in the future is likely to be evidenced by serious
30 mental, behavioral or personality disorder, including severe
31 anxiety, depression or withdrawal, inappropriate aggressive
32 behavior, seriously delayed development or similar seriously
33 dysfunctional behavior; or

34 C. Sexual abuse or exploitation.

35 5. Serious injury. "Serious injury" means serious physical
36 injury or impairment.

2 6. State supervision. "State supervision" means
4 involvement by the department in the life of a child by the
6 voluntary agreement of the custodial parent or custodian of the
child, and the provision of services by the department in
accordance with section 4073.

8 §4073. Authorizations

10 1. Duties. The department shall act to protect children in
12 need of state supervision upon the request of their custodial
14 parent or custodian, to enhance the welfare of these children and
their families and to preserve family life when possible. The
department shall provide or contract for services to children in
need of state supervision and their families as follows:

16 A. Administrative services, including the establishment of:

- 18 (1) Regional service delivery coordination sites;
20 (2) A central placement review committee; and
22 (3) A statewide program evaluation component; and

24 B. Service delivery systems, including:

- 26 (1) A statewide primary prevention program;
28 (2) A statewide public education program;
30 (3) Early intervention;
32 (4) Peer counseling and support;
34 (5) Information and referral;
36 (6) Case management;
38 (7) Transportation to necessary services;
40 (8) Aftercare;
42 (9) Mediation;
44 (10) Evaluation and assessment services;
46 (11) Outpatient mental health services;
48 (12) Outpatient substance abuse services;
50

2 (13) Family support services;

4 (14) Home-based service teams;

6 (15) Homeless shelters and emergency shelters;

8 (16) Semi-independent living programs;

10 (17) Day treatment;

12 (18) Therapeutic foster homes;

14 (19) Therapeutic group homes;

16 (20) Residential treatment facilities;

18 (21) Psychiatric hospital care; and

20 (22) Secure treatment facilities.

22 2. Other services. The department shall work with other
24 state agencies that have primary responsibility for providing the
26 following services to ensure availability of those services as
28 part of the full spectrum of services for children in need of
30 state supervision:

32 A. Employment resource services;

34 B. Educational resources;

36 C. Child protective program augmentation; and

38 D. Establishment of a 24-hour hotline providing parents and
40 children access to services.

42 3. Rulemaking. The department shall adopt rules to
44 implement this subchapter. Rules adopted pursuant to this
46 section are major substantive rules as defined in Title 5,
48 chapter 375, subchapter II-A.

50 **§4074. Voluntary agreements**

1. Agreement authorized. If the department determines a
 child to be a child in need of state supervision, the department
 and a custodial parent or custodian may enter into a voluntary
 agreement in which the custodial parent or custodian retains
 legal custody of the child and the department agrees to take
 physical custody of the child and to provide services to the
 child.

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

4 A. The agreement may not exceed one year. The agreement
4 may be renewed and revised as long as the child continues to
6 be in need of state supervision.

8 B. The agreement must specify the legal status of the child
8 and the rights and obligations of the custodial parent or
10 custodian, the child, the department and any other parties
10 to the agreement.

12 C. If the custodial parent or custodian is able to
14 contribute resources to the care of the child, that
14 contribution is required and must be specified in the
16 agreement. Resources include, but are not limited to,
16 assets, insurance coverage and disposable income.

18 D. The agreement must be approved by the commissioner or
20 the commissioner's designee.

22 3. Additional parties. The Department of Corrections, the
22 Department of Education, the Department of Mental Health, Mental
24 Retardation and Substance Abuse Services, and any other
24 appropriate state agency may be additional parties to the
26 agreement.

28 4. Individual plan. For each child for which there is a
28 voluntary agreement, the department shall prepare an individual
30 plan to address and alleviate the factors that caused the child
30 to be brought into state supervision.

32 **§4075. Spiritual treatment**

34 A child is not considered in need of state supervision
36 solely because the child or the child's custodial parent or
36 custodian chooses health care treatment for the child by
38 spiritual means by an accredited practitioner of a recognized
38 religious organization.

40 **§4076. Payments**

42 The department shall provide payments to facilities caring
44 for children to meet the costs of clothing, board and care. The
44 department may establish different categories of facilities,
46 levels of need and care and flat-rate or reimbursement methods to
46 distribute these funds.

48 **§4077. Medical and psychological examination**

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2 1. Medical examination required. The department shall
4 ensure that a child in need of state supervision receives an
6 appointment for a medical examination by a licensed physician or
8 nurse practitioner within 10 business days after the date of the
10 voluntary agreement.

12 2. Psychological assessment. If the physician or nurse
14 practitioner who performs a physical examination pursuant to
16 subsection 1 determines that a psychological assessment of the
18 child is appropriate, the department shall ensure that an
20 appointment is obtained for such an assessment within 30 days of
22 the physical examination.

14 SUMMARY

16 This bill establishes 2 systems for providing services to
18 children who are runaways, homeless or truant or whose conduct is
20 violent or aggressive or places them at risk or in danger of
22 serious harm or serious injury. The children who are to receive
24 services from the Department of Mental Health, Mental Retardation
26 and Substance Abuse Services are designated as children in need
28 of services. Services to this group of children are based on
30 cooperation between the child and the Department of Mental
Health, Mental Retardation and Substance Abuse Services. The
children who are to receive services from the Department of Human
Services, because their conduct creates a threat of serious harm
or serious injury, are designated as children in need of state
supervision. Services to this group of children are based on a
voluntary agreement between the Department of Human Services and
the custodial parent or custodian of the child.