

MAINE STATE LEGISLATURE

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DATE: 4/27/00

(Filing No. S- 768)

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STATE OF MAINE
SENATE
119TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1138, L.D. 1623, Bill, "An Act to Provide Services for Children in Need of Supervision"

Amend the amendment by striking out everything after the title and before the summary and inserting in its place the following:

'Amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

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

Whereas, this legislation needs to take effect before the expiration of the 90-day period in order for the Youth in Need of Services Oversight Committee to meet its statutorily imposed appointment and first meeting deadlines; and

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

Sec. 1. 4 MRSA §152, sub-§4, as amended by PL 1989, c. 415, §1, is further amended to read:

SENATE AMENDMENT

4. **Exclusive jurisdiction.** Original jurisdiction, not concurrent with that of the Superior Court, of mental health commitment hearings under Title 34, chapter 229, mental retardation certification hearings under Title 34, chapter 229, habitual truancy actions under Title 20-A, chapters 119 and 211 under which equitable relief may be granted, youth in need of services actions under Title 22, chapter 1071, subchapter XIV and small claims actions under Title 14, chapter 738; and

Sec. 2. 22 MRSA c. 1071, sub-c. XIV is enacted to read:

SUBCHAPTER XIV

YOUTH IN NEED OF SERVICES PILOT PROGRAM

§4095. Definitions

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

1. Case manager. "Case manager" means an agent of the department authorized by this subchapter to perform all case management functions for a youth alleged or found to be in need of services. "Case manager" may include community-based agencies contracted by the department and persons employed by those agencies to provide case management services.

2. Court. "Court" means the District Court.

3. Services. "Services" means housing, education, food, medical care, mental health or substance abuse services or treatment, supervision by a parent or legal guardian and support services, including mediation services, that may assist a youth in need of services or the youth's family or legal guardian.

4. Youth in need of services. "Youth in need of services" means a child under 15 years of age who:

A. Is without proper care or subsistence, education, a home or medical or other care necessary for the child's well-being;

B. Is without or beyond the control of the child's parent or legal guardian; or

C. Is in imminent danger of serious physical, mental or emotional injury or at risk of prosecution for a juvenile offense.

§4096. Youth in Need of Services Pilot Program

2 **1. Youth in Need of Services Pilot Program established.**
3 The Youth in Need of Services Pilot Program, referred to in this
4 subchapter as the "program," is established within the department
5 to provide preliminary assessments, safety plans and other
6 services as specified in this subchapter to youth and their
7 families and legal guardians.

8
9 **§4097. Preliminary assessment; safety plan; other services**

10 **1. Preliminary assessment.** When a case manager is informed
11 that a youth may be in need of services, the case manager shall
12 make a preliminary assessment within 48 hours, including weekends
13 and holidays, to determine whether the youth is in need of
14 services as defined in this subchapter and whether further action
15 should be taken under subsection 2 or 3.

16
17 **2. Safety plan.** When a case manager determines that a
18 youth is in need of services, the case manager shall immediately
19 develop a safety plan and arrange services for the youth and, if
20 appropriate, for the youth's family or legal guardian.

21 **3. Imminent danger.** If a youth is determined by a case
22 manager to be in need of services and is in imminent danger of
23 serious physical, mental or emotional injury or at risk of
24 prosecution for a juvenile offense, the case manager shall
25 attempt to contact the family or legal guardian to begin services
26 to the youth and family or legal guardian, if appropriate, and
27 shall promptly file a petition to commence court proceedings.

28
29 **A.** If the court finds that a youth is in need of services
30 and is in imminent danger of serious physical, mental or
31 emotional injury or at risk of prosecution for a juvenile
32 offense, the court shall order that a service provider offer
33 appropriate services to the youth and the youth's family or
34 legal guardian if appropriate.

35 **B.** In a proceeding brought under this subsection, if the
36 court orders a service provider to offer appropriate
37 services to a youth or the youth's family or legal guardian,
38 the court may not order secure residential placement or
39 inpatient treatment or order a youth to participate in
40 services or enter an order of enforcement or contempt.

41 **4. Treatment by spiritual means.** A youth may not be
42 considered to be in need of services under this subchapter solely
43 because treatment is provided by spiritual means by an accredited
44 practitioner of a recognized religious organization. When
45 medical treatment is authorized under this subchapter, treatment
46 by spiritual means by an accredited practitioner of a recognized
47 practitioner of a recognized religious organization.

religious organization may also be considered if requested by a youth or the youth's parent or legal guardian.

5. Reporting. The department shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the number and nature of preliminary assessments, safety plans and court proceedings under this section. The report must include safety plans and court proceedings under this section. The report must include recommendations for policy initiatives, rulemaking and legislative action for youth in need of services.

§4098. Youth in Need of Services Oversight Committee

The Youth in Need of Services Oversight Committee, referred to in this section as the "committee," is established to provide oversight of services provided to or offered for youth in need of services and their families by the State, except that the Children's Mental Health Oversight Committee established pursuant to Title 34-B, section 15004 has responsibility for oversight of youths' mental health.

1. Membership. The committee consists of the following 24 members. The appointing authorities shall make the initial appointments by June 30, 2000. Except as provided in this subsection, all members serve 3-year terms. When a vacancy occurs the appointing authority shall promptly appoint a person to fill the vacancy. The membership consists of the following:

A. Two members of the Senate, appointed by the President of the Senate, who may continue to serve while they are Legislators until they are replaced by new appointments. When making the appointments, the President of the Senate shall give preference to Senators who are members of the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over education and cultural affairs;

B. Three members of the House of Representatives, appointed by the Speaker of the House, who may continue to serve while they are Legislators until they are replaced by new appointments. When making the appointments, the Speaker of the House shall give preference to House of Representatives members who are members of the joint standing committee of the Legislature having jurisdiction over health and human services matters, the joint standing committee of the Legislature having jurisdiction over criminal justice matters and the joint standing committee of the Legislature

2 having jurisdiction over appropriations and financial
3 affairs;

4 C. The commissioner, the Commissioner of Corrections, the
5 Commissioner of Education, the Commissioner of Public Safety
6 and the Commissioner of Mental Health, Mental Retardation
7 and Substance Abuse Services, or the commissioners'
8 designees, who have authority to participate in full and to
9 make decisions as required of committee members;

10 D. Three representatives of families whose children receive
11 services from a state agency or reimbursed through a state
12 agency or from an entity under contract with a state agency,
13 2 of whom are appointed by the President of the Senate and
14 one of whom is appointed by the Speaker of the House. One
15 of the appointments of the President of the Senate to the
16 initial committee must be for 2 years;

17 E. Three representatives of providers of youth services
18 provided by an entity under contract with a state agency or
19 reimbursed through a state agency, one of whom is appointed
20 by the President of the Senate and 2 of whom are appointed
21 by the Speaker of the House. One of the appointments of the
22 Speaker of the House to the initial committee must be for 2
23 years;

24 F. One representative of a statewide organization that
25 advocates for youth, appointed by the President of the
26 Senate;

27 G. Two representatives of statewide or regional
28 organizations that provide funding and support for services
29 for youth and families, one of whom is appointed by the
30 Speaker of the House and one of whom, representing the
31 Juvenile Justice Advisory Group, established in Title 34-A,
32 section 1209, is appointed by the President of the Senate;

33 H. One representative of the Maine State Housing Authority
34 designated by the director of the Maine State Housing
35 Authority and one representative of the court designated by
36 the Chief Judge of the court; and

37 I. Three youths, one appointed by the President of the
38 Senate and 2 appointed by the Speaker of the House, one from
39 each of the 3 regions of the State designated by the
40 department.

41 2. Duties. The committee shall undertake the following
42 responsibilities with regard to youth in need of services who are

receiving or are eligible to receive services from the State or
services funded by the State:

A. Oversight, monitoring and review, including:

(1) Receiving reports and advising the Governor and
the Executive Department regarding youth health and
youth services, including, but not limited to, services
for youth in need of services, the Medicaid and Cub
Care programs, child welfare services and adoption,
foster care and juvenile justice services;

(2) Reviewing and commenting on rules proposed by
state agencies that pertain to youth;

(3) Receiving reports from the departments named in
this section on the program, including its strengths
and weaknesses and its administration, and reports on
other initiatives with regard to youth in need of
services;

(4) Receiving reports on demonstration programs and
pilot projects regarding youth and families and youth
health; and

(5) Gathering facts regarding the needs of youth,
youth services that are being provided in the State,
unmet needs and services needed but not provided,
preliminary assessments, safety plans and court action
provided under this subchapter and developing and
reporting any recommendations to improve the delivery
of services to youth and families to the Legislature by
October 1st of each year beginning in 2001 and as
frequently as the committee determines to be
appropriate;

B. Meeting every 2 months or more often, as the committee
determines to be necessary. The committee shall elect a
secretary from among its members who shall work with staff
to keep and to distribute minutes to members and to the
joint standing committee of the Legislature having
jurisdiction over appropriations and financial affairs, the
joint standing committee of the Legislature having
jurisdiction over education matters, the joint standing
committee of the Legislature having jurisdiction over
criminal justice matters and the joint standing committee of
the Legislature having jurisdiction over health and human
services matters; and

2 C. Reporting to the Legislature at least twice annually on
4 the number of youth in need of services and the status of
6 programs and services for youth and families, service needs
and the capacity of state departments, state agencies and
community and nonprofit organizations to meet those service
needs.

8 3. Cochairs; meetings. The first named Senator shall serve
10 as Senate chair and the first named Representative shall serve as
House chair. The cochairs shall call and convene the first
meeting of the committee by June 30, 2000.

12 4. Confidentiality. Notwithstanding any other provision of
14 state law or rule, committee members and staff to the committee
16 may review in executive session information that is confidential
18 under state law or rule. Information reviewed under this
subsection retains its confidentiality and is not public
information.

20 5. Reimbursement. Legislative members are entitled to
22 receive the legislative per diem as defined in Title 3, section 2
24 and reimbursement of necessary expenses for their attendance at
26 authorized meetings of the committee. Public members not
otherwise compensated by their employers or other entities whom
they represent are entitled to receive reimbursement of necessary
expenses for their attendance at authorized meetings of the
committee.

28 6. Staff; resources. The department shall provide staffing
30 assistance to the committee and resources necessary to the
effective operation of the committee.

32 7. Public meetings and information. With the exception of
34 information designated as confidential by state or federal law,
36 rule or regulation, the committee is subject to the freedom of
access laws under Title 1, chapter 13, subchapter I.

38 **§4099. Repeal**

40 This subchapter is repealed June 30, 2001.

42 **Sec. 3. Homeless Youth Demonstration Project.** The Department of
44 Human Services and the Department of Mental Health, Mental
46 Retardation and Substance Abuse Services shall provide financial
48 and staffing support to extend the operation of the Homeless
50 Youth Demonstration Project, created in Resolve 1999, chapter 55,
to the Department of Human Services Region II and to operate the
stakeholders' groups in conjunction with and on the same
timetable as the stakeholders' groups operating in Regions I and
III. Demonstration projects in Region II must include a

estimated future costs in fiscal years 2001-02 and 2002-03 will
be approximately \$2,520 and \$1,260, respectively.

SUMMARY

This amendment replaces Committee Amendment "A." The amendment establishes the Youth in Need of Services Pilot Program. The program provides for a preliminary assessment and safety plan consisting of housing, medical care, food, education, mental health and substance abuse services and treatment and support services for youth under 15 years of age who have been determined to be in need of services. The amendment provides for a proceeding in the District Court to obtain services for youth determined to be in imminent danger of serious physical, mental or emotional injury or at risk of prosecution for a juvenile offense. If a court finds that a youth is in need of services and is in imminent danger or at risk of prosecution for a juvenile offense, the amendment requires the court to order that those services be offered.

The amendment provides for the expansion to Region II of the Homeless Youth Demonstration Project created in Resolve 1999, chapter 55 and requires the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services to report on their evaluation of the project and the recommendations of the stakeholders to the Youth in Need of Services Oversight Committee by February 1, 2001.

The amendment also adds an appropriation section.

SPONSORED BY:
(Senator MICHAUD)

Michael H. Michaud
JMB

COUNTY: Penobscot