

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 1650

S.P. 527

In Senate, March 15, 2001

**An Act to Require Substance Abuse Assessment and Treatment for  
Parents of Children Referred to Child Protective Services.**

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator DAGGETT of Kennebec.  
Cosponsored by Representative BRANNIGAN of Portland.

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

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**Sec. 1. 22 MRSA §4004, sub-§1, ¶D,** as amended by PL 1993, c. 294, §1, is further amended to read:

D. Establishing and maintaining a Child Protective Services Contingency Fund to provide temporary assistance to families to help them provide proper care for their children; and

**Sec. 2. 22 MRSA §4004, sub-§1, ¶D-1** is enacted to read:

D-1. Providing for assessments and treatment for substance abuse for parents; and

**Sec. 3. 22 MRSA §4036, sub-§1, ¶C,** as enacted by PL 1979, c. 733, §18, is amended to read:

C. That the child, the custodians, the parents and other appropriate family members accept treatment or services, including but not limited to assessment and treatment for substance abuse, to ameliorate the circumstances related to the jeopardy;

**Sec. 4. 22 MRSA §4041, sub-§1, ¶A,** as amended by PL 1997, c. 715, Pt. B, §11, is further amended to read:

A. The department shall:

(1) Develop a rehabilitation and reunification plan, which must include the following:

(a) The reasons for the removal of the child from home;

(b) Any changes that must occur for the child to return home;

(c) Rehabilitation services, including but not limited to assessment and treatment for substance abuse, that must be completed satisfactorily prior to the return home;

(d) Services available to assist the parents in rehabilitating and reunifying with the child, including reasonable transportation within the area in which the child is located for visits if the parents are unable to afford that transportation;

2 (e) A schedule of visits between the child and  
4 the parents when visits are not detrimental to the  
child's best interests, including any special  
conditions under which the visits must take place;

6 (f) A reasonable time schedule for proposed  
8 reunification, which is reasonably calculated to  
meet the child's needs; and

10 (g) A delineation of the financial  
12 responsibilities of the parents and the department  
during the reunification process;

14 (2) Provide the parents with prompt written notice of  
16 the following, unless that notice would be detrimental  
to the best interests of the child:

18 (a) The child's residence and, when practicable,  
20 at least 7 days' advance written notice of a  
planned change of residence; and

22 (b) Any serious injuries, major medical care  
24 received or hospitalization of the child;

26 (3) Make good faith efforts to cooperate with the  
parents in the development and pursuit of the plan;

28 (4) Periodically review with the parents the progress  
30 of the reunification plan and make any appropriate  
changes in that plan;

32 (5) Petition for judicial review and return of custody  
34 of the child to the parents at the earliest appropriate  
time; and

36 (6) Petition for termination of parental rights at the  
38 earliest possible time that it is determined that  
40 family reunification efforts will be discontinued  
pursuant to subsection 2 and that termination is in the  
best interests of the child;

42 **Sec. 5. 22 MRSA §4041, sub-§1, ¶B,** as amended by PL 1997, c.  
44 715, Pt. B, §11, is further amended to read:

46 B. Parents are responsible for rectifying and resolving  
48 problems that prevent the return of the child to the home  
and shall take part in a reasonable rehabilitation and  
reunification plan and shall:

- 2 (1) Maintain meaningful contact with the child
- 4 pursuant to the reunification plan. When a parent has
- 6 left the area where the child has been placed, this
- 8 must include making arrangements to visit the child at
- 10 or near the child's placement;
- 12 (2) Seek and utilize appropriate services, including
- 14 but not limited to assessment and services for
- 16 substance abuse, to assist in rehabilitating and
- 18 reunifying with the child;
- 20 (3) Pay reasonable sums toward the support of the
- 22 child within the limits of their ability to pay;
- 24 (4) Maintain contact with the department, including
- 26 prompt written notification to the department of any
- 28 change of address; and
- 30 (5) Make good faith efforts to cooperate with the
- 32 department in developing and pursuing the plan;

34 **Sec. 6. Appropriation.** The following funds are appropriated  
 36 from the General Fund to carry out the purposes of this Act.

	2001-02	2002-03
<b>HUMAN SERVICES, DEPARTMENT OF</b>		
<b>Bureau of Child and Family Services</b>		
All Other	\$1,500,000	\$1,500,000
Provides funds for substance		
abuse assessments and		
services for parents referred		
to child protective services.		

38 **SUMMARY**

40 This bill requires substance abuse assessments and

42 treatments to be available and ordered when necessary for parents

44 who are referred to child protective services. It also provides

\$3,000,000 over the biennium to provide those assessments and

services.