

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 1073

H.P. 791

House of Representatives, March 4, 2003

An Act To Extend the Duties of the Children's Ombudsman

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CANAVAN of Waterville.
Cosponsored by Senator BRENNAN of Cumberland and
Representatives: BRANNIGAN of Portland, CRAVEN of Lewiston, DUDLEY of Portland,
LAVERRIERE-BOUCHER of Biddeford, MILLS of Cornville.

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

4 **Sec. 1. 22 MRSA §4087-A, sub-§2**, as enacted by PL 2001, c.
439, Pt. X, §5, is amended to read:

6 **2. Program established.** The ombudsman program is
8 established as an independent program within the Executive
Department to provide ombudsman services to the children and
10 families of the State regarding child welfare services provided
by the Department of Human Services and services provided to
12 children by the Department of Behavioral and Developmental
Services. The program shall consider and promote the best
14 interests of the child involved, answer inquiries and
investigate, advise and work toward resolution of complaints of
16 infringement of the rights of the child and family involved. The
program must be staffed, under contract, by an attorney or a
18 master's level social worker who must have experience in child
development and advocacy, and support staff as determined to be
20 necessary. The program shall function through the staff of the
program and volunteers recruited and trained to assist in the
duties of the program.

22 **Sec. 2. 22 MRSA §4087-A, sub-§4, ¶¶B, D and G**, as enacted by PL
24 2001, c. 439, Pt. X, §5, are amended to read:

26 B. Answer inquiries, investigate and work toward resolution
of complaints regarding the performance and services of the
28 department and the Department of Behavioral and
Developmental Services and participate in conferences,
30 meetings and studies that may improve the performance of the
department and the Department of Behavioral and
32 Developmental Services;

34 D. Inform persons of the means of obtaining services from
the department and the Department of Behavioral and
36 Developmental Services;

38 G. Determine what types of complaints and inquiries will be
accepted for action by the program and adopt policies and
40 procedures regarding communication with persons making
inquiries or complaints and the department or the Department
42 of Behavioral and Developmental Services;

44 **Sec. 3. 22 MRSA §4087-A, sub-§5**, as enacted by PL 2001, c.
46 439, Pt. X, §5, is amended to read:

48 **5. Access to persons, files and records.** As necessary for
the duties of the program, the ombudsman has access to the files
and records of the department and the Department of Behavioral
50 and Developmental Services, without fee, and to the personnel of

2 the department and the Department of Behavioral and Developmental
3 Services for the purposes of investigation of an inquiry or
4 complaint. The ombudsman may also enter the premises of the
5 department and the Department of Behavioral and Developmental
6 Services for the purposes of investigation of an inquiry or
7 complaint without prior notice. The program shall maintain the
8 confidentiality of all information or records obtained under this
subsection.

10 **Sec. 4. 22 MRSA §4087-A, sub-§§9 and 10**, as enacted by PL 2001,
11 c. 439, Pt. X, §5, are amended to read:

12 **9. Information.** Beginning January 1, 2002, information
13 about the services of the program and any applicable grievance
14 and appeal procedures must be given to all children and families
15 receiving child welfare services from the department and from all
16 persons and entities contracting with the department for the
17 provision of child welfare services and to all children and
18 families receiving services from the Department of Behavioral and
19 Developmental Services.

22 **10. Report.** The program shall report to the Governor, the
23 department, the Department of Behavioral and Developmental
24 Services and the Legislature before January 1st each year on the
25 activities and services of the program, priorities among types of
26 inquiries and complaints that may have been set by the program,
27 waiting lists for services, the provision of outreach services
28 and recommendations for changes in policy, rule or law to improve
29 the provision of services.

32 SUMMARY

34 This bill extends the duties of the ombudsman who provides
35 services to children and families regarding child welfare
36 services provided by the Department of Human Services to include
37 the provision of ombudsman services to children and families
38 regarding services provided to children by the Department of
Behavioral and Developmental Services.