

# MAINE STATE LEGISLATURE

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HEALTH AND HUMAN SERVICES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 968, L.D. 1314, Bill, "An Act To Establish Accountability in Out-of-home Abuse and Neglect Investigations"

Amend the bill by striking out the title and substituting the following:

'An Act To Improve Out-of-home Abuse and Neglect Investigations'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 22 MRSA §4088, sub-§1, ¶D, as amended by PL 1989, c. 700, Pt. A, §90, PL 1995, c. 560, Pt. K, §82 and affected by §83 and as amended by PL 2001, c. 354, §3, is further amended to read:

D. "Out-of-home abuse and neglect" means abuse and neglect of a child which that occurs in a facility or by a person subject to licensure or inspection by this the department, the Department of Education, the Department of Corrections and or the Department of Behavioral and Developmental Services or in a facility operated by any of these departments.

Sec. 2. 22 MRSA §4088, sub-§1, ¶D-1, as enacted by PL 2001, c. 265, §2, is amended to read:

D-1. "Service Services center" means the Community Services Center established in section 6-C.

COMMITTEE AMENDMENT

2           **Sec. 3. 22 MRSA §4088, sub-§3**, as amended by PL 2001, c. 265,  
§3 and c. 354, §3, is further amended to read:

4           **3. Authority and responsibility.** The team shall have has  
the following authority and responsibilities regarding  
6 investigation of out-of-home abuse and neglect. The team:

8           A. ~~Shall receive~~ Receives all reports of out-of-home abuse  
and neglect. When a report of out-of-home abuse and neglect  
10 alleges jeopardy, as defined in section 4002, to a child in  
a residential care facility, the team shall initiate an  
12 investigation within 72 hours or request a safety plan from  
the facility. When a report of alleged out-of-home abuse  
14 and neglect in a residential care facility is received, the  
team shall use the facility's name as the identifier;

16           B. Shall investigate all reports received by the department  
or ~~service~~ services center regarding alleged out-of-home  
18 abuse and neglect occurring in facilities or by persons  
subject to licensure pursuant to this Title;  
20

22           C. Shall conduct a single investigation sufficient to  
determine not only if abuse or neglect has occurred but also  
24 to determine whether a licensing violation has occurred in  
order to protect children from further harm and establish a  
26 basis upon which to take licensing action. This procedure  
minimizes duplicative or redundant investigations to the  
28 extent possible in response to the same or related  
allegations of out-of-home abuse or neglect in facilities or  
30 by persons subject to licensure pursuant to this Title;

32           D. Shall coordinate and consult with the bureau or ~~service~~  
services center staff performing general licensing functions  
34 to eliminate duplicative or redundant investigations to the  
extent possible and to prevent, correct or eliminate the  
36 abuse or neglect or threat of abuse or neglect in  
out-of-home settings;

38           E. Shall provide the results of the investigation to the  
40 ~~bureau's, service center's or other department's~~ licensing  
staff bureau, services center or another department for  
42 appropriate action. The team shall complete the  
investigation within a time frame not to exceed 6 months  
44 from the date of the initiation of the investigation, except  
in circumstances when the information necessary to complete  
46 the investigation is unavailable to the team;

48           F. Shall include relevant professionals outside the  
department or service center as members of the team for all  
50 investigations of residential treatment centers, group homes

COMMITTEE AMENDMENT "A" to H.P. 968, L.D. 1314

2 or day care centers mandated by this subchapter and for  
other child care facilities as warranted;

4 G. When a report alleges out-of-home abuse and neglect in  
6 facilities or by persons not subject to licensure by the  
department or service services center, shall immediately  
8 refer the report to the service services center or agency or  
department charged with the responsibility to investigate  
10 such a report or, if applicable, to the state department  
operating the facility;

12 H. With respect to reports described in paragraph G, may,  
14 on its own initiative or upon request of another department  
or agency charged with the responsibility to investigate,  
16 participate in the out-of-home abuse and neglect  
investigation of persons or facilities subject to licensure  
18 or operated by the Department of Education, the Department  
of Corrections or the Department of Behavioral and  
Developmental Services;

20 I. Shall refer to the office of the district attorney or  
22 office of the Attorney General, when appropriate, any case  
in which criminal activity is alleged and shall coordinate  
24 its investigation with that office to minimize the trauma to  
the children involved; and

26 J. Shall consult and train law enforcement personnel,  
28 advocates and others in the identification, reporting,  
prevention and investigation of out-of-home abuse and  
30 neglect as time allows; and

32 K. Shall state in the investigative report whether the  
34 allegations of out-of-home abuse or neglect have been  
substantiated. If the investigative report has  
36 substantiated out-of-home abuse or neglect, the report must  
identify the individual, facility or individual and facility  
responsible.

38 Sec. 4. 22 MRSA §4088, sub-§8 is enacted to read:

40 8. Due process. Any finding of out-of-home abuse or  
42 neglect made under this section is subject to the due process  
requirements of the Maine Administrative Procedure Act.'

46

**SUMMARY**

2

This amendment replaces the bill. The amendment makes the following changes to the laws governing the out-of-home abuse and neglect investigating team.

6

1. It requires the team to initiate an investigation within 72 hours or request a safety plan when a report alleging jeopardy to a child in a residential care facility has been made.

10

2. It requires the team to use the facility's name as the identifier when a report of abuse or neglect of a child in a facility is received.

14

3. It requires the team to complete investigations within 6 months, except in circumstances when the information needed to complete the investigation is unavailable to the team.

18

4. It requires the team to state in the investigative report whether the allegations have been substantiated and identify the party responsible.

22

5. It specifies that findings of abuse and neglect under this portion of law are subject to due process requirements.

24

**FISCAL NOTE REQUIRED**  
(See attached)

Approved: 05/16/03 *MAC*

**121st Maine Legislature  
Office of Fiscal and Program Review**

**LD 1314**

**An Act To Improve Out-of-Home Abuse and Neglect Investigations**



**LR 1075(02)**

**Fiscal Note for Bill as Amended by Committee Amendment " "**

**Committee: Health and Human Services**

**Fiscal Note Required: Yes**

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**Fiscal Note**

Minor cost increase - General Fund