

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1396

S.P. 484

March 14, 2007

**Resolve, To Provide for an Independent Evaluation of the
Procedures and Programs of the Department of Human Services for
Promoting Permanency and Safety for Children**

(EMERGENCY)

Reference to the Committee on Health and Human Services 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 WESTON of Waldo.
Cosponsored by Senator MARRACHÉ of Kennebec.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** ongoing reform efforts of the Department of Health and Human Services
4 to promote the best interests of children in the department's care may have unintended yet
5 serious collateral effects on individual children; and

6 **Whereas,** this legislation requires an independent evaluation of the reform effort
7 and must take effect before the expiration of the 90-day period so that individual children
8 can be relieved of any unintended effects of the reform as soon as possible; and

9 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
10 the meaning of the Constitution of Maine and require the following legislation as
11 immediately necessary for the preservation of the public peace, health and safety; now,
12 therefore, be it

13 **Sec. 1. Independent evaluation of reforms. Resolved:** That the
14 Commissioner of Health and Human Services shall arrange for, oversee and evaluate the
15 results of the following study and report.

16 1. The Department of Health and Human Services shall engage an independent
17 expert or organization, familiar with the principles and research regarding the care of
18 children who require the services of the State to achieve or restore permanent family
19 relationships and to ensure appropriate education, health and well-being, for the purposes
20 of evaluating the effects on children of the department's recent reforms of its programs
21 and services for such children. The evaluator must be authorized to act independently of
22 the department's staff assigned to such programs and services and must be given access
23 and authority to interview staff and management of the department in a manner that
24 assures interviewees that they will not be identified in any reports to the department or
25 the Legislature. The evaluator shall also gather and consider the information and
26 opinions of affected children and their families as well as those who provide residential
27 and nonresidential services to meet the needs of affected children. The objective of the
28 evaluation must be to ensure that the best interests of each child served by the department
29 are served by the implementation of needed reforms in the child welfare system and that
30 adequate provision for each child's safety and well-being is made when plans are
31 developed and carried out for each placement, discharge or other significant transition
32 resulting from a decision made by or on behalf of the department.

33 2. In preparing for and carrying out the evaluation described in subsection 1, the
34 commissioner shall convene a working group consisting of at least 3 providers of
35 children's services and 3 persons experienced in advocacy for the interests of children to
36 assist in the selection of the evaluator and to provide information and suggestions
37 regarding the scope and design of the evaluation. At least one of the provider
38 representatives must currently be affiliated with a provider of residential children's
39 services.

40 3. By July 15, 2007, the department shall report to the Joint Standing Committee on
41 Health and Human Services on the findings reported to the commissioner in the course of

1 the evaluation authorized by this section. If the evaluation and report are not final at that
2 time, the department shall provide a progress report and confer with the committee
3 regarding an appropriate date for a final report. The progress report must, at a minimum,
4 describe the methods being employed in the evaluation, identify the person or entity
5 performing it and describe interim findings, if any. The final report must summarize the
6 findings of the evaluation in light of its objective and must include the commissioner's
7 recommendations for any changes in the department's programs or practices that the
8 commissioner considers necessary as a result of the findings of the evaluator; and be it
9 further

10 **Sec. 2. Implementing legislation. Resolved:** That, following receipt and
11 evaluation of the final report described in section 1, the Joint Standing Committee on
12 Health and Human Services may submit to the First Regular Session of the 123rd
13 Legislature such recommended legislation as may be necessary to accomplish the
14 objectives addressed in the reports; and be it further

15 **Sec. 3. Existing resources. Resolved:** That the independent evaluation
16 described in section 1 must be completed within existing resources of the Department of
17 Health and Human Services.

18 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
19 takes effect when approved.

20 SUMMARY

21 This resolve requires the Department of Health and Human Services, within existing
22 resources, to contract with an independent expert or organization to study the effects of
23 recent child care program reforms to ensure that each child's best interests are being
24 protected and that adequate provision for each child's safety and well-being is made in the
25 plans developed for each placement, discharge or other transition resulting from a
26 decision made regarding the child by or on behalf of the department. The department is
27 directed to submit its findings and any necessary implementing legislation to the Joint
28 Standing Committee on Health and Human Services.