

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2008

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Legislative Document

No. 2064

H.P. 1448

House of Representatives, December 21, 2007

### **An Act To Amend the Provisions of the Homeless Youth Program**

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Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.

Received by the Clerk of the House on December 19, 2007. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND

Clerk

Presented by Representative PERRY of Calais.  
Cosponsored by Senator ROSEN of Hancock and  
Representative: MILLS of Farmington.

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

2 **Sec. 1. 22 MRSA §4099-A, sub-§1**, as enacted by PL 2003, c. 451, Pt. P, §3, is  
3 amended to read:

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

9 **Sec. 2. 22 MRSA §4099-A, sub-§3**, as enacted by PL 2003, c. 451, Pt. P, §3, is  
10 amended to read:

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

15 **Sec. 3. 22 MRSA §4099-A, sub-§4**, as amended by PL 2007, c. 240, Pt. SS, §1,  
16 is further amended to read:

17 **4. Homeless youth.** "Homeless youth" means a ~~child under 15~~ youth 16 years of age  
18 or older and under 22 years of age who:

- 19 A. Is without proper care or subsistence, education, a home or medical or other care  
20 necessary for the ~~child's~~ youth's well-being;
- 21 B. Is without or beyond the control of the ~~child's~~ youth's parent or legal guardian;
- 22 C. Is in imminent danger of serious physical, mental or emotional injury or at risk  
23 of prosecution for a juvenile or adult offense; or
- 24 D. Is abusing alcohol or drugs and is at risk of serious harm as a result.

25 **Sec. 4. 22 MRSA §4099-C**, as amended by PL 2003, c. 561, §§3 to 5, is further  
26 amended to read:

27 **§4099-C. Preliminary assessment; safety plan; other services**

28 **1. Preliminary assessment.** When a case manager is informed that a youth may be  
29 ~~in need of services~~ a homeless youth, the case manager shall make a preliminary  
30 assessment within 48 hours, including weekends and holidays, to determine whether the  
31 youth is a homeless youth ~~in need of services~~ as defined in this subchapter and whether  
32 further action should be taken under subsection 2 or 3.

33 **2. Safety plan.** When a case manager determines that a youth is ~~in need of services~~  
34 a homeless youth, the case manager shall immediately develop a safety plan and arrange  
35 services for the youth and, if appropriate, for the youth's family or legal guardian.

1       **3. Imminent danger.** If a youth is determined by a case manager to be ~~in need of~~  
2 ~~services a homeless youth~~ and is in imminent danger of serious physical, mental or  
3 emotional injury, is at risk of prosecution for a juvenile or adult offense or is abusing  
4 alcohol or drugs and is at risk of serious harm as a result, the case manager shall attempt  
5 to contact the family or legal guardian, if appropriate, to begin services to the youth and  
6 family or legal guardian and shall promptly file a petition to commence court  
7 proceedings.

8       A. If the court finds that a youth is ~~in need of services a homeless youth~~ and is in  
9 imminent danger of serious physical, mental or emotional injury, is at risk of  
10 prosecution for a juvenile or adult offense or is abusing alcohol or drugs and is at  
11 risk of serious harm as a result, the court shall order that a service provider offer  
12 appropriate services to the youth and the youth's family or legal guardian if  
13 appropriate.

14       B. In a proceeding brought under this subsection, if the court orders a service  
15 provider to offer appropriate services to a youth or the youth's family or legal  
16 guardian, the court may not order secure residential placement or inpatient treatment  
17 or order a youth to participate in services or enter an order of enforcement or  
18 contempt.

19       **4. Treatment by spiritual means.** A youth may not be considered to be ~~in need of~~  
20 ~~services a homeless youth~~ under this subchapter solely because treatment is provided by  
21 spiritual means by an accredited practitioner of a recognized religious organization.  
22 When medical treatment is authorized under this subchapter, treatment by spiritual means  
23 by an accredited practitioner of a recognized religious organization may also be  
24 considered if requested by a youth or the youth's parent or legal guardian.

25       ~~**5. Reporting.** The department shall report by October 1, 2003 and annually~~  
26 ~~thereafter to the joint standing committee of the Legislature having jurisdiction over~~  
27 ~~health and human services matters on the number and nature of preliminary assessments,~~  
28 ~~safety plans and court proceedings under this section. Beginning October 1, 2004, the~~  
29 ~~report must include summary statistics on the number and characteristics of youth who~~  
30 ~~refuse services under this section, including demographic information, reason for referral,~~  
31 ~~assessed needs and stated reason for refusal of services. The report must include safety~~  
32 ~~plans and court proceedings under this section. The report must include~~  
33 ~~recommendations for policy initiatives, rulemaking and legislative action for youth in~~  
34 ~~need of services.~~

35       ~~**6. Data.** The department shall collect data on the number and characteristics of~~  
36 ~~youth who refuse services under this section, including demographic information, reason~~  
37 ~~for referral, assessed needs and stated reason for refusal of services. The department shall~~  
38 ~~share the data collected under this subsection with the Department of Behavioral and~~  
39 ~~Developmental Services, Office of Substance Abuse no later than October 1, 2004 and~~  
40 ~~every 6 months thereafter.~~

41       **Sec. 5. Maine Revised Statutes headnote amended; revision clause.** In the  
42 Maine Revised Statutes, Title 22, chapter 1071, subchapter 15, in the subchapter  
43 headnote, the words "youth in need of services program" are amended to read "homeless

1 youth program" and the Revisor of Statutes shall implement this revision when updating,  
2 publishing or republishing the statutes.

3

### **SUMMARY**

4 This bill changes the age of the persons served by the Homeless Youth Program from  
5 under 15 years of age to those 16 years of age or older and under 22 years of age. This  
6 bill repeals the requirements that the Department of Health and Human Services annually  
7 report to the Joint Standing Committee on Health and Human Services and repeals the  
8 data collection requirement concerning youth who refuse services from the program.