

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST REGULAR SESSION-2021

Legislative Document

No. 765

H.P. 570

House of Representatives, March 5, 2021

**An Act To Provide for Judicial Review in Compliance with the
Federal Family First Prevention Services Act**

Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.
Reference to the Committee on Judiciary suggested and ordered printed.

Robert B. Hunt
ROBERT B. HUNT
Clerk

Presented by Representative HARNETT of Gardiner.

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

2 **Sec. 1. 22 MRSA §4002, sub-§6-B** is enacted to read:

3 **6-B. Qualified individual.** "Qualified individual" has the same meaning as in 42
4 United States Code, Section 675a(c)(1)(D)(i) (2020).

5 **Sec. 2. 22 MRSA §4002, sub-§6-C** is enacted to read:

6 **6-C. Qualified residential treatment program.** "Qualified residential treatment
7 program" means a program within a licensed children's residential care facility as defined
8 in section 8101, subsection 4 that provides continuous 24-hour care and supportive services
9 to children in a residential nonfamily home setting that:

10 A. Utilizes a trauma-informed treatment model that is designed to address the clinical
11 and other needs of children with serious emotional and behavioral disorders or
12 disturbances;

13 B. Implements a specific treatment recommended in a needs assessment completed by
14 a qualified individual;

15 C. Employs registered or licensed nursing staff and other licensed clinical staff who
16 are:

17 (1) On site according to the treatment model used pursuant to paragraph A and
18 during business hours; and

19 (2) Available 7 days a week on a 24-hour basis;

20 D. Appropriately facilitates outreach to family members and integrates those family
21 members into the treatment of children;

22 E. Provides discharge planning for children including 6 months of post-discharge
23 aftercare support;

24 F. Is licensed by the department in accordance with the United States Social Security
25 Act, Section 471(a)(10); and

26 G. Is accredited by an independent nonprofit organization approved by the department.

27 **Sec. 3. 22 MRSA §4038, sub-§8** is enacted to read:

28 **8. Placement in qualified residential treatment program; hearing within 60 days.**
29 The court shall conduct a hearing to review the status of a child placed in a qualified
30 residential treatment program and determine the appropriateness of the placement within
31 60 days after the child enters the program.

32 A. At the hearing under this subsection, the court shall:

33 (1) Review a needs assessment of the child conducted by a qualified individual;

34 (2) Consider whether the needs of the child can be met through an alternative
35 placement in a family foster home as defined in section 8101, subsection 3;

36 (3) Consider whether the placement of the child in a qualified residential treatment
37 program provides effective and appropriate care for the child in the least restrictive
38 environment; and

1 Services Act, this bill adds definitions to the Child and Family Services and Child
2 Protection Act and creates a statutory requirement for a court hearing within 60 days of a
3 child's placement in a qualified residential treatment program. Additionally, this bill
4 ensures that regular reviews of a child's continued placement in a qualified residential
5 treatment program are conducted by the court.