

MAINE STATE LEGISLATURE

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Date: 3/24/22

(Filing No. S-458)

HEALTH AND HUMAN SERVICES

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE
SENATE
130TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 605, L.D. 1853, "An Act To Support Improvements in Child Protective Services"

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

'Resolve, To Increase Oversight of the Child Welfare System'

Amend the bill by striking out everything after the title and inserting the following:

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

Whereas, the duty to protect children from abuse and neglect is a fundamental priority of the Legislature; and

Whereas, the joint standing committee of the Legislature having jurisdiction over health and human services matters must receive reports from citizen review panels and the Department of Health and Human Services, Office of Child and Family Services as soon as possible in order to consider legislation affecting the duty to protect children from abuse and neglect; and

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

Sec. 1. Citizen panels quarterly reports. Resolved: That the child welfare advisory panel, referred to in this section as "the advisory panel," established pursuant to the Maine Revised Statutes, Title 22, section 4010-D and the child death and serious injury review panel, referred to in this section as "the review panel," established in Title 22, section 4004, subsection 1, paragraph E, shall submit reports to the joint standing committee of the Legislature having jurisdiction over health and human services matters at least every 3 months beginning in June 2022 and until June 30, 2024. The advisory panel and the review panel may choose to submit combined reports or separate reports. Any presentations of the reports to the committee must be presented by the citizen members of

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the panels to the extent possible. Each quarterly report must contain, at minimum, the following:

1. A summary of generalized and anonymized observations in the prior 3-month period regarding efforts by the Department of Health and Human Services, Office of Child and Family Services to improve the child welfare system;

2. A summary of the collaboration between the advisory panel and the review panel as well as the Justice for Children Task Force established in 2006 that reports to the Supreme Judicial Court; and

3. Any recommendations on how to further protect the State's children through Department of Health and Human Services policy and rulemaking and through legislation.

Sec. 2. Department of Health and Human Services, Office of Child and Family Services to provide quarterly reports. Resolved: That the Department of Health and Human Services, Office of Child and Family Services shall submit reports to the joint standing committee of the Legislature having jurisdiction over health and human services matters at least every 3 months beginning in June 2022 and until June 30, 2024. The reports must address the progress in implementing the recommendations of the Casey Family Programs and Collaborative Safety report completed for the department in October 2021, responses to recommendations from the child welfare advisory panel established pursuant to the Maine Revised Statutes, Title 22, section 4010-D and progress in efforts described in the department's annual report on child welfare. The reports must address, at minimum, the following:

1. Efforts to further coordinate and advance child welfare services in primary, secondary and tertiary prevention, as those prevention services are described by the Office of Child and Family Services;

2. Efforts to expand the use and value of family team meetings;

3. Efforts to expand the use of participation of people with lived experience in the development of policy regarding and operation of the child welfare system;

4. A review of the department's policies and practices regarding domestic violence and the ability of the nonoffending parent to assume custody of the children;

5. Efforts to work with the Guardian Ad Litem Review Board under the Board of Overseers of the Bar, the judicial branch and other interested parties to improve the training and support of guardians ad litem; and

6. Any recommendations on how to further protect the State's children, through department policy and rulemaking and legislation.

Sec. 3. Legislation authorized. Resolved: That the joint standing committee of the Legislature having jurisdiction over health and human services matters is authorized to report out related legislation to the next regular or special session of the Legislature after any quarterly report submitted pursuant to this resolve.

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

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

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SUMMARY

This amendment replaces the bill, which is a concept draft. The amendment enacts reporting requirements as follows.

1. The child welfare advisory panel and the child death and serious injury review panel are required to submit quarterly reports to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the child welfare system and efforts to collaborate between the citizen review panels required by the federal Child Abuse Prevention and Treatment Act.

2. The Department of Health and Human Services, Office of Child and Family Services is required to submit quarterly reports to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding progress in implementing the recommendations of the Casey Family Programs and Collaborative Safety report completed for the department in October 2021, responses to recommendations from the child welfare advisory panel established pursuant to the Maine Revised Statutes, Title 22, section 4010-D and progress in efforts described in the department's annual report on child welfare.

3. The joint standing committee of the Legislature having jurisdiction over health and human services matters is authorized to report out legislation pursuant to any of the reports at the next regular or special session of the Legislature.

FISCAL NOTE REQUIRED

(See attached)



130th MAINE LEGISLATURE

LD 1853

LR 2278(02)

An Act To Support Improvements in Child Protective Services

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-458)

Committee: Health and Human Services

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs to the Department of Health and Human Services from the provisions of this bill are expected to be minor and can be absorbed within existing budgeted resources.