

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 1240

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H.P. 788

House of Representatives, March 21, 2023

**An Act to Develop a Pilot Program to Provide Legal Representation  
to Families in the Child Protection System**

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Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative STOVER of Boothbay.

Cosponsored by Representatives: CRAVEN of Lewiston, GATTINE of Westbrook, GRAHAM of North Yarmouth, GRAMLICH of Old Orchard Beach, MADIGAN of Waterville, MEYER of Eliot, MILLETT of Cape Elizabeth.

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

2 **Sec. 1. 4 MRSA §1807** is enacted to read:

3 **§1807. Prepetition pilot program for families in the child protection system**

4 The commission shall design and implement a 2-year pilot program to provide legal  
5 counsel and related advocacy services to a target population of parents or custodians of a  
6 child at the prepetition stage, or when the Department of Health and Human Services  
7 commences an investigation of a report of suspected abuse or neglect to determine if a child  
8 is at risk of harm.

9 **1. Goals.** The commission shall design the pilot program to meet the following goals:

10 A. To provide legal and other resources to parents and custodians early in the child  
11 protection investigation process so that children can remain safe and families can help  
12 their children thrive without the need for further state intervention;

13 B. To promote equity in the outcome of child protection investigations for families of  
14 disparate socioeconomic circumstances; and

15 C. To increase parents' and custodians' understanding of the child protection  
16 investigation process and how they can engage in the process to achieve positive  
17 outcomes.

18 **2. Target population.** The commission, in partnership with the Department of Health  
19 and Human Services, shall design the pilot program to serve parents and custodians who  
20 have become the subject of a child protection investigation, who reside within  
21 Androscoggin, Franklin and Oxford counties and who are indigent and would qualify for  
22 the assignment of counsel completely at state expense under the eligibility standards  
23 established by the commission pursuant to section 1804, subsection 2, paragraph A, except  
24 that only the parent's or custodian's income and not the parent's or custodian's assets may  
25 be considered when determining assignment of counsel. The program may serve up to 30  
26 families at any given time. For the purposes of this section, "family" means a group of  
27 individuals subject to a single child protection investigation.

28 **3. Services provided.** The commission shall provide services under the pilot program  
29 to parents and custodians in their dealings with the Department of Health and Human  
30 Services. The commission shall also provide advocacy services regarding other civil legal  
31 issues related to the child protection matter.

32 **4. Service providers.** The commission shall partner with attorneys and other service  
33 providers in delivering services under the pilot program. Nonattorney service providers  
34 may include, but are not limited to, case managers, parents with lived experience of the  
35 child protection system and social workers.

36 **5. Warmline and referrals.** The commission shall implement a "warmline" that  
37 provides information and referrals statewide to parents and custodians who are subject to  
38 child protection investigations and that will also screen parents and custodians for  
39 eligibility to receive pilot program services. The commission shall prepare informational  
40 materials regarding the warmline and a parent's or custodian's ability to contact the  
41 warmline and self-refer to the pilot program. The commission shall collaborate with the  
42 Department of Health and Human Services to ensure that parents and custodians who fall  
43 within the target population are made aware of the pilot program.

